Community Planning, Regulation and Mobility Committee Meeting
Revised Agenda

Date: December 6, 2022
Time: 9:30 a.m. and 6:30 p.m.
Location: Hybrid meeting- virtual and Council Chambers, City Hall

Contact: Committee Clerk, Jo-Anne.Rudy@burlington.ca, 905-335-7600, x7413

Pages

1. **Declarations of Interest:**

2. **Statutory Public Meetings:**

Statutory public meetings are held to present planning applications in a public forum as required by the Planning Act.

2.1 City-initiated housekeeping amendments to Zoning By-law 2020 (PL-75-22) — 1 - 11

Approve the proposed amendments to Zoning By-law 2020 as outlined in community planning department report PL-75-22; and

Enact By-law 2020.446 as outlined in Appendix B to community planning report PL-75-22; and

Enact By-law 2020.447 as outlined in Appendix C to community planning report PL-75-22.

2.2 Official Plan and Zoning By-law amendment applications for 1010 Downsview Drive & 355 Plains Road East (PL-79-22) — 12 - 32

Note: this item will be discussed at 6:30 p.m.

Receive and file community planning department report PL-79-22 regarding Official Plan and Zoning By-law amendment applications for 1010 Downsview Drive and 355 Plains Road East.

a. Staff presentation regarding Official Plan and Zoning By-law amendment applications for 1010 Downsview Drive & 355 Plains Road East (PL-79-22) — *33 - 43*

44 - 46

b. *Correspondence from Stephen Miller regarding Official Plan and Zoning By-law amendment applications for 1010 Downsview Drive & 355 Plains Road East (PL-79-22)*

2.3 City-initiated Official Plan amendment and approach in response to Bill 109 “More Homes for Everyone Act, 2022” (PL-69-22) 47 - 80

Note: this item will be discussed at 6:30 p.m.

Endorse the approach to implement the Provincially mandated changes resulting from Bill 109 as outlined in community planning department report PL-69-22; and

Approve Official Plan Amendment No. 130 to the City of Burlington Official Plan, as provided in Appendix A of community planning department report PL-69-22, to implement Bill 109 legislation; and

Deem that Section 17(21) of The Planning Act has been met; and

Instruct the City Clerk to prepare the necessary by-law adopting Official Plan Amendment No. 130, as contained in Appendix A of community planning department report PL-69-22.

a. *Staff presentation regarding City-initiated Official Plan amendment and approach in response to Bill 109 “More Homes for Everyone Act, 2022” (PL-69-22)* *81 - 89*

b. *Correspondence from BILD (Building Industry and Land Development Association) regarding City-initiated Official Plan amendment and approach in response to Bill 109 “More Homes for Everyone Act, 2022” (PL-69-22)* *90 - 95*

c. *Correspondence from WE HBA (West End Home Builders' Association), regarding City-initiated Official Plan amendment and approach in response to Bill 109 “More Homes for Everyone Act, 2022” (PL-69-22)* *96 - 97*

3. Delegation(s):

Standing committee and City Council meetings are held using a hybrid model, allowing members of Council, city staff and the public the option of participating remotely or in-person at city hall, 426 Brant St.

Requests to delegate to this hybrid meeting can be made by completing the online delegation registration form at www.burlington.ca/delegate, by submitting a written request by email to the Office of the City Clerk at clerks@burlington.ca or by phoning 905-335-7600, ext. 7481 by noon the business day before the

meeting is to be held. It is recommended that virtual delegates include their intended remarks, which will be circulated to all members in advance, as a backup to any disruptions in technology issues that may occur.

If you do not wish to delegate, but would like to submit correspondence, please email your comments to clerks@burlington.ca. Any delegation notes and comments will be circulated to members in advance of the meeting and will be attached to the minutes, forming part of the public record.

4. Consent Items:

Reports of a routine nature, which are not expected to require discussion and/or debate. Staff may not be in attendance to respond to queries on items contained in the Consent Agenda.

4.1 Burlington Economic Development Performance and Strategy update (ECDEV-02-22) 98 - 111

Receive and file Burlington Economic Development report ECDEV-02-22 regarding Burlington Economic Development Performance and Strategy Update.

5. Regular Items:

5.1 Official Plan and Zoning By-law amendments for 3110 South Service Road (PL-74-22) 112 - 146

Approve the applications for Official Plan and Zoning By-law amendments, to permit a three (3) storey office building including training facilities and a veterinary clinic; and

Approve Official Plan amendment No. 131 to the City of Burlington Official Plan, as provided in Appendix D of community planning department report PL-74-22, to increase the maximum permitted floor area ratio and increase the permitted total floor area of an ancillary service commercial use; and

Deem that Section 17(21) of the Planning Act has been met; and

Instruct the City Clerk to prepare the necessary by-law adopting Official Plan Amendment No. 131 as contained in Appendix D of community planning department report PL-74-22; and

Approve Zoning By-law 2020.448, attached as Appendix E of community planning report PL-74-22, which amends the site-specific “BC1-225” zone of the subject lands; and

Deem that the amending zoning by-law will conform to the Official Plan for the City of Burlington once Official Plan amendment No. 131 is adopted; and

State that the amending zoning by-law will not come into force and effect until Official Plan amendment No. 131 is adopted.

a. *Delegation from Ruth Victor and Bruce Campbell, representing Ruth Victor & Associates, and Jeffrey Witchel, representing Ontario Veterinary College, regarding Official Plan and Zoning By-law amendments for 3110 South Service Road (PL-74-22)* *147 - 159*

b. *Staff presentation regarding Official Plan and Zoning By-law amendments for 3110 South Service Road (PL-74-22)* *160 - 171*

c. *Additional public comments regarding Official Plan and Zoning By-law amendments for 3110 South Service Road (PL-74-22)* *172 - 173*

5.2 Eligibility of 795 Brant Street for Heritage Designation (PL-80-22) 174 - 474

State an intention to designate the property at 795 Brant Street under Part IV, Section 29 of the Ontario Heritage Act in accordance with the Heritage Evaluation of 795 Brant Street prepared by AECOM, dated November 23, 2022; and

Direct the Director of Community Planning to provide notice of Council's intention to designate 795 Brant Street, in accordance with section 29 (3) and 29 (4) of the Ontario Heritage Act; and

Direct the City Clerk to present the draft designation by-law to Council for approval within 120 days after the date of publication of the notice of intention to designate 795 Brant Street, provided there is no objection or withdrawal; and

Direct the City Clerk to take the necessary actions in the event of any objection to the notice of intention to designate pursuant to Part IV of the Ontario Heritage Act, sections 29 (5) and 29 (6).

a. *Staff presentation regarding Eligibility of 795 Brant Street for Heritage Designation (PL-80-22)* *475 - 496*

5.3 Update report regarding proposed inclusion of downtown properties on Burlington's Heritage Register (PL-78-22) 497 - 532

Direct the Director of Community Planning to add the following list of

properties to the Municipal Heritage Register and provide notice to the owner of the property within 30 days, pursuant to section 27(5) of the Ontario Heritage Act, R.S.O. 1990, c. O.18:

353-355 Brant St
2010 Maria St
468 Elizabeth St
441 Elizabeth St
436 Pearl S
488 Locust St; and

Authorize the City Clerk to take necessary action if there are any objections in accordance with Section 27(7) of the Ontario Heritage Act, R.S.O. 1990, Chapter 0.18 and report back no later than 120 days after notices are sent out presenting all the objections received; and

Following completion of the Downtown Cultural Heritage Landscapes Study, direct the Director of Community Planning to re-assess the eligibility of the above listed properties for continued inclusion on the Heritage Register and report back to City Council with a recommendation.

a.	*Delegation from Michael Sobhi, representing Harvey Kalles, regarding Update report regarding proposed inclusion of downtown properties on Burlington's Heritage Register (PL-78-22)*	*533 - 534*
b.	*Staff presentation regarding Update report regarding proposed inclusion of downtown properties on Burlington's Heritage Register (PL-78-22)*	*535 - 555*
c.	*Correspondence from Elizabeth Law regarding Update report regarding proposed inclusion of downtown properties on Burlington's Heritage Register (PL-78-22)*	*556 - 556*
d.	*Correspondence from Aaron Platt, representing Davies Howe LLP, regarding Update report regarding proposed inclusion of downtown properties on Burlington's Heritage Register (PL-78-22)*	*557 - 558*

5.4 City of Burlington Outdoor Patio Program - update for Q4 2022 (PL-76-22) 559 - 651

Endorse, in principle, the Draft Patio Design Guidelines attached as Appendix B to community planning development report PL-76-22, with modifications as a result of additional stakeholder consultation to be

included in a final report to Council in Q1 2023; and

Direct staff to include an annual application fee and any other relevant fees for the Temporary Outdoor Patio Program, for both public and private property, as part of the annual Rates and Fees By-law, to be included in a final report to Council by Q1 2023.

a. *Delegation from Brian Dean and Craig Kowalchuk, representing Burlington Downtown Business Association and Burlington Restaurant Association, regarding City of Burlington Outdoor Patio Program - update for Q4 2022 (PL-76-22)* *652 - 655*

b. *Staff presentation regarding City of Burlington Outdoor Patio Program - update for Q4 2022 (PL-76-22)* *656 - 667*

c. *Correspondence from Team Burlington regarding City of Burlington Outdoor Patio Program - update for Q4 2022 (PL-76-22)* *668 - 669*

5.5 City of Burlington submissions as of November 25 on Ontario's Housing Supply Action Plan and Bill 23 (PL-82-22) *670 - 752*

Direct the Director of Community Planning to provide any additional comments based on feedback at the December 6 CPRM Committee to the Province in advance of Council approval on December 13, 2022.

a. *Delegation from Michele Camacho, Chair, Heritage Burlington Advisory Committee, regarding City of Burlington submissions as of November 25 on Ontario's Housing Supply Action Plan and Bill 23 (PL-82-22)* *753 - 755*

6. Confidential Items:

Confidential reports may require a closed meeting in accordance with the Municipal Act, 2001. Meeting attendees may be required to leave during the discussion.

7. Procedural Motions:

8. Information Items:

9. Staff Remarks:

10. Committee Remarks:

11. Adjournment:

SUBJECT: City-initiated housekeeping amendments to Zoning By-law 2020

TO: Community Planning, Regulation & Mobility Cttee.

FROM: Community Planning Department

Report Number: PL-75-22

Wards Affected: 2, 5

File Numbers: 520-03-02/22

Date to Committee: December 6, 2022

Date to Council: December 13, 2022

Recommendation:

Approve the proposed amendments to Zoning By-law 2020 as outlined in community planning department report PL-75-22; and

Enact By-law 2020.446 as outlined in Appendix B to community planning report PL-75-22; and

Enact By-law 2020.447 as outlined in Appendix C to community planning report PL-75-22.

PURPOSE:

This report recommends City-initiated general amendments to Zoning By-law 2020 addressing general matters of accuracy and clarity.

Vision to Focus Alignment:

- Increase economic prosperity and community responsive city growth

Background and Discussion:

Earlier this year, City Council added/amended the following site-specific zoning exceptions to Zoning By-law 2020:

- **Exception 513**
  (By-law 2020.440; Enacted May 17, 2022; File no.: 520-10/19 (PL-31-22))
  Rezoned the lands at 2294 & 2300 Queensway Drive (Ward 2) from RM2 to RM3 with a Site-Specific Exception (Exception 513) to allow 16 townhouse dwellings and 8 back-to-back townhouse dwellings.

- **Exception 452**

  (By-law 2020.443; Enacted July 12, 2022; File No.: 520-13/21 (PL-51-22)).

  Amended Exception 452, for the lands at 5030-5045 Tico Creek Common (Ward 5), to permit an increase in the maximum building area as well as to expand retail store permissions for the two proposed one-storey buildings on the west side of the site directly abutting and fronting onto Appleby Line.

It has recently come to staff's attention that updates are required to the above mentioned zoning exceptions so that the by-law remains accurate and clear while providing consistency for implementation and enforcement. The identified modifications are minor and considered to be of a housekeeping nature.

Table 1 presents the proposed amendments to Zoning By-law 2020 and staff's explanation for context.

TABLE 1 – PROPOSED ZONING BY-LAW AMENDMENTS

PROPOSED ZONING BY-LAW AMENDMENT		STAFF EXPLANATION
Part 14 – Exceptions to Zone Classifications		
1. Ward 2 - 2294 & 2300 Queensway Drive	Amend Exception 513, Subsection 1, Regulations for Entire Site (Refer to Diagram 513), Regulations for Townhouse Dwellings, as follows: i. Add: "l) Maximum Building Height: 3 storeys up to 10 m"	To correct an oversight in the by-law regarding maximum permitted building height for townhouse dwellings by specifying height as discussed and approved in the original staff recommendation report (PL-31-22; see pages 17, 18 and 29).
2. Ward 2 - 2294 & 2300 Queensway Drive	Amend Exception 513, Subsection 1, Regulations for Entire Site (Refer to Diagram 513), Regulations for Back-to-Back Townhouses: i. Delete: "l)" and replace with "m)" ii. Delete "m)" and replace with "n)"	To update list numbers resulting from Item 1 of the proposed amendment (see row above).

	iii. Delete “n” and replace with “o)” iv. Delete “o)” and replace with “p)” v. Delete “p)” and replace with “q)”	
3. Ward 5 - 5030-5045 Tico Creek Common	Amend Exception 452, Subsection 3, Regulations for the entire site, iii), as follows: i. Delete “Maximum Retail Floor Area: 860 m²” and replace with “Maximum combined Floor Area for Buildings A and B: 860 m²”	To correct an error in the by-law regarding maximum permitted floor area for the two buildings fronting onto Appleby Line as discussed and approved in the original staff recommendation report (PL-51-22; see pages 18 to 22).
4. Ward 5 - 5030-5045 Tico Creek Common	Amend Exception 452, Subsection 4, Regulations, ii) Building A: i. Delete “Maximum Floor Area: 560 square metres”	To correct an error in the by-law regarding maximum permitted floor area for the two buildings fronting onto Appleby Line as discussed and approved in the original staff recommendation report (PL-51-22; see pages 18 to 22).
5. Ward 5 - 5030-5045 Tico Creek Common	Amend Exception 452, Subsection 4, Regulations, iii) Building B: i. Delete “Maximum Floor Area: 300 square metres”	To correct an error in the by-law regarding maximum permitted floor area for the two buildings fronting onto Appleby Line as discussed and approved in the original staff recommendation report (PL-51-22; see pages 18 to 22).

Financial Matters:

Not applicable

Total Financial Impact

Not applicable

Source of Funding

Not applicable

Other Resource Impacts

Not applicable

Engagement Matters:

In accordance with the policies of the City's Official Plan (1997, as amended) and the *Planning Act* for Zoning By-law amendments, notice of the subject public meeting was provided by way of a newspaper notice in the Burlington Post and by way of a mail notice to all property owners and tenants within 120 m of the subject lands thirty days prior to the public meeting. A letter outlining all of the proposed amendments was also sent to all relevant external agencies thirty days in advance of the public meeting.

Conclusion:

The recommended City-initiated amendments to Zoning By-law 2020 will ensure that the by-law remains accurate and clear. The proposed amendments meet the intent of the Burlington Official Plan and conform to applicable Provincial Plans.

Respectfully submitted

Rebecca Lau, MCIP RPP

Planner II, 905-335-7600 ext.7860

Mariana Da Silva

Planner II, 905-335-7600 ext.7536

Appendices:

A. Location Sketches
B. Zoning By-law 2020.446 (Queensway Drive)
C. Zoning By-law 2020.447 (Tico Creek Common)

Notifications:

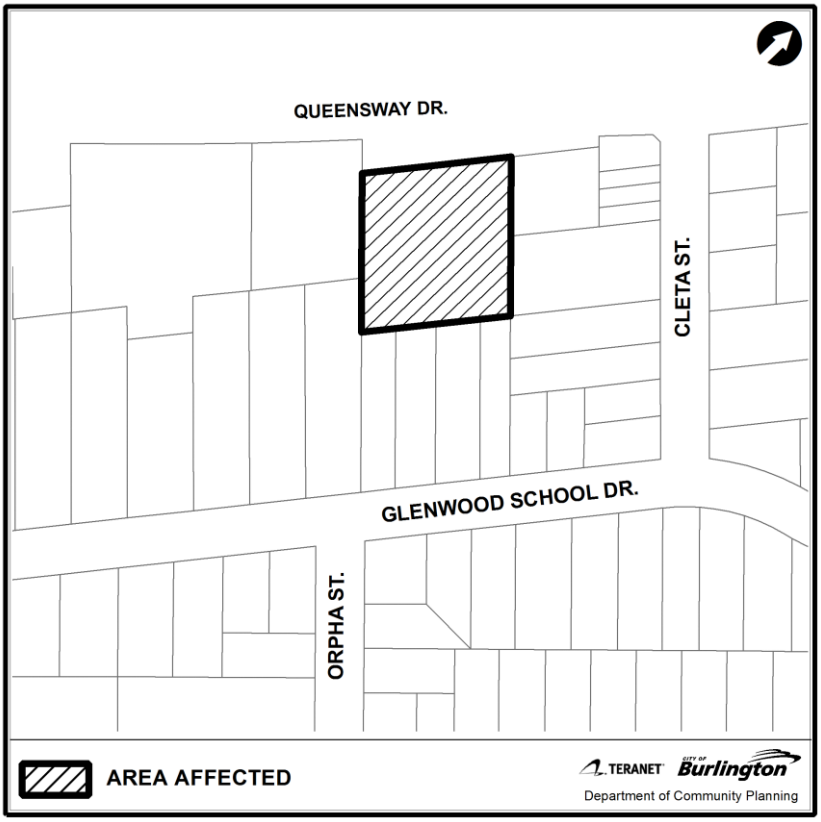
Tasha Mazza, Waggy Inc. Tasha@goldcourtdevelopments.com

Glenn Wellings, Wellings Planning Consultants Inc. glenn@wellingsplanning.ca

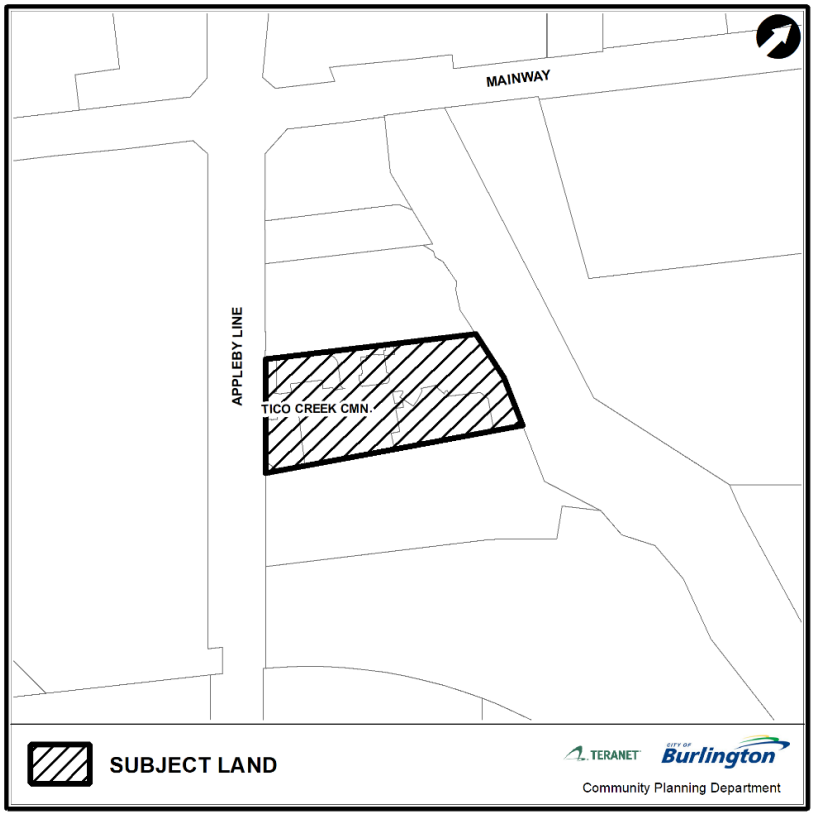
Report Approval:

All reports are reviewed and/or approved by Department Director, the Chief Financial Officer and the Executive Director of Legal Services & Corporation Counsel.

2294 & 2300 Queensway Drive



5030-5045 Tico Creek Common



APPENDIX B PL-75-22

BY-LAW NUMBER 2020.446 AND EXPLANATORY NOTE

THE CORPORATION OF THE CITY OF BURLINGTON

BY-LAW NUMBER 2020.446

A By-law to amend By-law 2020, as amended;
File No.: 520-03-01/22 (PL-75-22)

WHEREAS Section 34(1) of the Planning Act, R.S.O. 1990, c. P. 13, as amended, states that Zoning By-laws may be passed by the councils of local municipalities; and

WHEREAS the Council of the Corporation of the City of Burlington approved Recommendation PL-31-22 and adopted By-law 2020.440 on May 17, 2022 to amend the City's existing Zoning By-law 2020, as amended, to permit a townhouse development; and

WHEREAS the Council of the Corporation of the City of Burlington approved the Recommendations in report PL-75-22 on December 13, 2022, for city-initiated general amendments to Zoning By-law 2020, as amended;

THE COUNCIL OF THE CORPORATION OF THE CITY OF BURLINGTON HEREBY ENACTS AS FOLLOWS:

1. PART 14 of By-law 2020, as amended, Exceptions to Zone Classifications, Exception 513, Subsection 1, Regulations for Entire Site, Regulations for Townhouse Dwellings, is amended by:

    i. Adding: "l) Maximum Building Height: 3 storeys up to 10 m"

2. PART 14 of By-law 2020, as amended, Exceptions to Zone Classifications, Exception 513, Subsection 1, Regulations for Entire Site, Regulations for Back-to-Back Townhouses, is amended by:

    i. Deleting "l)"; and Replacing it with: "m)"

    ii. Deleting "m)"; and Replacing it with: "n)"

    iii. Deleting "n"; and Replacing it with: "o)"

    iv. Deleting "o)"; and Replacing it with: "p)"

    v. Deleting "p)"; and Replacing it with: "q)"

3 a) When no notice of appeal is filed pursuant to the provisions of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, this By-law shall be deemed to have come into force on the day it was passed.

3 b) If one or more appeals are filed pursuant to the provisions of the Planning Act, as amended, this By-law does not come into force until all appeals have been finally disposed of, and except for such parts as are repealed or amended in accordance with an order of the Ontario Land Tribunal this By-law shall be deemed to have come into force on the day it was passed.

ENACTED AND PASSED this ……..day of …… 2022 .

_____MAYOR

_____CITY CLERK

EXPLANATION OF PURPOSE AND EFFECT OF BY-LAW 2020.446

By-law 2020.446 amends Exception 513 of the City's Zoning By-law 2020, as amended, for the purpose of clarifying and correcting an error of omission.

For further information regarding By-law 2020.446, please contact Rebecca Lau of the Burlington Community Planning Department at (905) 335-7600, extension 7860.

APPENDIX C PL-75-22

BY-LAW NUMBER 2020.447 AND EXPLANATORY NOTE

THE CORPORATION OF THE CITY OF BURLINGTON

BY-LAW NUMBER 2020.447

A By-law to amend By-law 2020, as amended;
File No.: 520-03-01/22 (PL-75-22)

WHEREAS Section 34(1) of the Planning Act, R.S.O. 1990, c. P. 13, as amended, states that Zoning By-laws may be passed by the councils of local municipalities; and

WHEREAS the Council of the Corporation of the City of Burlington approved Recommendation PL-51-22 and adopted By-law 2020.443 on July 12, 2022 to amend the City's existing Zoning By-law 2020, as amended, to permit an increase in the maximum building floor area as well as to expand retail store permissions for the two (2) proposed 1-storey buildings on the west side of the site; and

WHEREAS the Council of the Corporation of the City of Burlington approved the Recommendations in report PL-75-22 on December 13, 2022, for city-initiated general amendments to Zoning By-law 2020, as amended;

THE COUNCIL OF THE CORPORATION OF THE CITY OF BURLINGTON HEREBY ENACTS AS FOLLOWS:

1. PART 14 of By-law 2020, as amended, Exceptions to Zone Classifications, Exception 452, Subsection 3, Regulations for the entire site, iii), is amended as follows:

    i. Deleting "Maximum Retail Floor Area: 860 m²"; and Replacing it with: "Maximum Combined Floor Area for Buildings A and B: 860 m²"

2. PART 14 of By-law 2020, as amended, Exceptions to Zone Classifications, Exception 513, Subsection 4, Regulations, ii) Building A, is amended as follows:

    i. Deleting "Maximum Floor Area: 560 square metres"

3. PART 14 of By-law 2020, as amended, Exceptions to Zone Classifications, Exception 513, Subsection 4, Regulations, iii) Building B, is amended as follows:

    i. Deleting "Maximum Floor Area: 300 square metres"

4 a) When no notice of appeal is filed pursuant to the provisions of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, this By-law shall be deemed to have come into force on the day it was passed.

4 b) If one or more appeals are filed pursuant to the provisions of the Planning Act, as amended, this By-law does not come into force until all appeals have been finally disposed of, and except for such parts as are repealed or amended in accordance with an order of the Ontario Land Tribunal this By-law shall be deemed to have come into force on the day it was passed.

ENACTED AND PASSED this ……..day of …… 2022 .

_____MAYOR

_____CITY CLERK

EXPLANATION OF PURPOSE AND EFFECT OF BY-LAW 2020.447

By-law 2020.447 amends Exception 452 of the City's Zoning By-law 2020, as amended, for the purpose of clarifying and correcting an error of omission.

For further information regarding By-law 2020.447, please contact Mariana Da Silva of the Burlington Community Planning Department at (905) 335-7600, extension 7536.

SUBJECT: Statutory Public Meeting for Official Plan and Zoning By-law Amendment Applications for 1010 Downsview Drive & 355 Plains Road East

TO: Community Planning, Regulation & Mobility Cttee.

FROM: Community Planning Department

Report Number: PL-79-22

Wards Affected: 1

File Numbers: 505-06/22,520-07/22

Date to Committee: December 6, 2022

Date to Council: December 13, 2022

Recommendation:

Receive and file community planning department report Pl-79-22 regarding Official Plan and Zoning By-law amendment applications for 1010 Downsview Drive and 355 Plains Road East.

PURPOSE:

The purpose of this report is to provide background information to the Committee and the public for a Statutory Public Meeting for the lands known as 1010 Downsview Drive and 355 Plains Road East.

Vision to Focus Alignment:

The subject applications relate to the following focus areas of the 2018-2022 Burlington's Plan: From Vision to Focus.

- Increase economic prosperity and community responsive city growth
- Improve integrated city mobility
- Support sustainable infrastructure and a resilient environment

Executive Summary:

RECOMMENDATION:	Receive and file	***Ward:***	1

Application Details	***APPLICANT:***	MHBC Planning, Urban Design & Landscape Architecture
	OWNER:	Coletara Development
	FILE NUMBERS:	505-06/22,520-07/22
	TYPE OF APPLICATION:	Official Plan Amendment, Zoning By-law Amendment
	PROPOSED USE:	1010 Downsview Drive: an 8-storey mixed-use building with retail at grade and stacked townhome units along the rear of the property 355 Plains Road East: 9-storey and 11-storey mixed-use buildings connected by a 6-storey podium with retail at grade as well as stacked townhome units along the rear of the property
Property Details	***PROPERTY LOCATION:***	North side of Plains Road East at the intersection of Plains Road East and Downsview Drive
	MUNICIPAL ADDRESS:	1010 Downsview Drive and 355 Plains Road East
	PROPERTY AREA:	0.72 hectares and 0.75 hectares
	EXISTING USE:	Two commercial strip plazas including office, retail, service commercial, institutional, and recreational uses
Documents	***1997 OFFICIAL PLAN Existing:***	Mixed Use Corridor – General
	1997 OFFICIAL PLAN Proposed:	Mixed Use Corridor – General with site-specific policies for height, Floor Area Ratio
	2020 OFFICIAL PLAN Existing:	Urban Corridor
	2020 OFFICIAL PLAN Proposed:	Urban Corridor with site-specific policies

	ZONING Existing:	Mixed-Use Corridor – General (MXG)
	ZONING Proposed:	MXG-XXX with site-specific regulations
Processing Details	***APPLICATION MADE AND COMPLETE AS OF:***	July 15, 2022
	STATUTORY DEADLINE:	November 12, 2022
	PRE-APPLICATION COMMUNITY MEETING:	January 31, 2022
	PUBLIC COMMENTS:	As of October 31, 2022, the City has received written comments from eight members of the public on this application. Notices were sent in September 2022 to 546 addresses within 120 metres of the subject property.

Background and Discussion:

On July 15, 2022, the City received complete applications from MHBC Planning requesting Official Plan Amendments and Zoning By-law Amendments to permit development at 1010 Downsview Drive and 355 Plains Road East consisting of mixed-use, mid-rise buildings with retail and residential uses fronting on Plains Road East and Downsview Drive, as well as stacked townhouses at the rear of both properties.

The purpose of this report is to provide an overview of the applications, an outline of applicable policies and regulations, and a summary of technical and public comments received to date.

Description of Subject Properties and Surrounding Land Uses

The subject properties (1010 Downsview Drive and 355 Plains Road East) are located on the north side of Plains Road East at the intersection of Plains Road East and Downsview Drive, as shown in Appendix A of this report. The property at 1010 Downsview Drive (on the west side of Downsview Drive) has an area of 0.72 ha, with 102.29m of frontage on Downsview Drive and 45m of frontage on Plains Road East. This property is L-shaped.

The property at 355 Plains Road East (on the east side of Downsview Drive) has an area of 0.75 ha, with 68.78m of frontage on Plains Road East and 102m of frontage on Downsview Drive. This property has a rectangular shape with a depth of 102.29m.

The sites are currently occupied by two commercial strip plazas which include retail, service commercial (e.g.: restaurant), office, institutional (e.g.: daycare), and recreational (e.g.: martial arts studio) uses.

Surrounding uses are as follows:

- North: Immediately north of the Subject Lands is a low-rise residential neighbourhood with single detached residential houses. Further to the northwest is the Aldershot Park and Aldershot GO Station. Aldershot Park is approximately 168m in walking distance from the proposed development travelling along Downsview Drive and Dowland Crescent and through the pedestrian walkway. Aldershot GO Station is located approximately 1.3 km walking distance from the development via Plains Road East and St Matthews Ave.
- East: Immediately east of the Subject Lands is East Plains United Church, which contains a Child Care Centre and a cemetery. Further east, there is a mix of residential buildings and low-rise commercial buildings.
- South: Immediately south of the Subject Lands, across Plains Road East, is a mix of residential buildings and 6-storey mixed-use buildings. Further to the south is a low-rise residential neighbourhood.
- West: Immediately west of the Subject lands are 3-storey townhouses. Further to the west is Holy Rosary Church and Holy Rosary Catholic Elementary School, as well as a mix of townhouses and low-rise commercial uses.

There is a westbound bus stop located directly in front of 355 Plains Road East and an eastbound bus stop located directly across the street from 1010 Downsview Drive. Both bus stops are serviced by Burlington Transit Routes 1, 101 and 4. These routes provide access to the Aldershot GO Station. Routes 1 and 101 also provide access to Downtown Hamilton and the Burlington GO Station. Downtown Burlington can be reached by route 4.

Description of Applications

The applications request Official Plan amendments and Zoning By-law amendments to permit the development of mid-rise, mixed-use buildings along Plains Road East and stacked townhouses at the rear of the properties, as shown on the Concept Plan in Appendix A of this report.

The proposal at 1010 Downsview Drive (on the west side of Downsview Drive) is to develop an 8-storey mixed-use building with 141 residential units with retail at grade along Plains Road East and 56 stacked townhouse units at the rear of the property.

The proposal at 355 Plains Road East (on the east side of Downsview Drive) is to develop two mid-rise buildings, 9 storeys and 11 storeys in height, connected by a 6-storey lower building with retail at grade along Plains Road East, and stacked townhouses at the rear of the property. The proposed development at 355 Plains

Road East includes 347 residential units and 40 stacked townhouse units along the rear of the property.

There are 262 parking spaces proposed at 1010 Downsview Drive and 489 parking spaces proposed at 355 Plains Road East.

A combined amenity space (includes indoor, outdoor, rooftop and private balcony amenity area) of 4,298m² is proposed at 1010 Downsview Drive and 5,865.5m² is proposed at 355 Plains Road East. This equates to an average of 21.8m^2 of combined amenity space per unit at 1010 Downsview Drive and an average of 15.2m^2 of combined amenity space per unit at 355 Plains Rd E. These averages do not distinguish between apartment units and townhouse units. Through review of the subject applications, staff will assess how much of the proposed amenity space is available to residents of the proposed townhouses and how much is available to residents of the proposed apartment units on each property.

Application materials are posted on the City's Development Project webpage at burlington.ca/plainsanddownsview.

On November 17, 2022, the applicant appealed the subject applications to the Ontario Land Tribunal (OLT) on the basis that the City did not make a decision within the 120-day timeline outlined in the Planning Act. A future Case Management Conference will be held by the OLT concerning these appeals.

Supporting Documents

The applicant has submitted the following materials in support of the subject applications:

1. Architectural Plans (May 2022)
2. Arborist Report (May 2022)
3. Civil Drawings – 1010 Downsview Drive (May 2022)
4. Civil Drawings – 355 Plains Rd E (May 2022)
5. Construction Management Plan 1010 Downsview Dr (May 2022)
6. Construction Management Plan 355 Plains Rd E (May 2022)
7. Cover Letter (July 2022)
8. Draft Official Plan Amendment (May 2022)
9. Draft Zoning Bylaw Amendment (May 2022)
10. Environmental Considerations (April 2022)
11. Environmental Noise Assessment (May 2022)
12. Environmental Site Screening Questionnaire (April 2022)
13. Financial Impact Statement (May 2022)

14. Functional Servicing Report (May 2022)
15. Geotechnical Considerations (April 2022)
16. Height Survey of Adjacent Buildings (May 2022)
17. Housing Impact Statement (May 2022)
18. Landscape Plan (May 2022)
19. Pedestrian Wind Study (April 2022)
20. Phase One Environmental Site Assessment -1010 Downsview Dr (July 2015)
21. Phase One Environmental Site Assessment – 355 Plains Rd E (July 2015)
22. Phase Two Environmental Site Assessment – 355 Plains Rd E (March 2016)
23. Planning Justification Report (May 2022)
24. Reference Plan (May 2022)
25. Region of Halton Letter of Reliance (April 2022)
26. Renderings
27. Shadow Study Written Analysis (July 2022)
28. Shadow Study (July 2022)
29. Soil Sampling – 1010 Downsview Dr (March 2016)
30. Stormwater Management Plan – 1010 Downsview Dr (May 2022)
31. Stormwater Management Report – 355 Plains Rd E (May 2022)
32. Supplemental Environmental Considerations (April 2022)
33. Supplemental Geotechnical Considerations (July 2022)
34. Sustainability Checklist
35. Transportation Impact and Parking Study (May 2022)
36. Tree Inventory (January 2022)
37. Urban Design Brief (May 2022)
38. Waste Management Report (May 2022)
39. Title Search and PIN Report

Application materials are posted on the City's Development Project webpage at burlington.ca/plainsanddownsview.

Strategy/process

This section provides information on staff's ongoing review of the subject applications, including the applicable policy framework, technical circulation, and the comments received to date from members of the public.

Policy Framework
The subject applications are subject to the policy framework described below.

Provincial Policy Statement (2020)
The Provincial Policy Statement (PPS) provides broad policy direction on land use planning and development matters of provincial interest. All planning decisions must be consistent with the PPS.

The PPS promotes the achievement of healthy, livable, and safe communities through various means including by promoting efficient development and land use patterns; accommodating an appropriate and market-based mix of land uses; preparing for the regional and local impacts of a changing climate; and promoting the integration of land use planning, growth management, transit-supportive development, intensification, and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020)
A Place to Grow: Growth Plan for the Greater Golden Horseshoe ("the Growth Plan") provides a policy framework for managing growth in an area of Ontario that includes the City of Burlington. All planning decisions within the Growth Plan area must conform to the Growth Plan.

The Growth Plan is intended to support the achievement of complete communities with access to transit networks, protected employment zones, and an increase in the amount and variety of housing available. The Growth Plan also envisions a healthy natural environment and agricultural lands, which will contribute to the region's resilience and our ability to adapt to a changing climate. To accomplish its vision, the Growth Plan establishes policies regarding how land is developed, resources are managed and protected, and public dollars are invested.

Halton Region Official Plan
The Halton Region Official Plan (ROP) outlines a long-term vision for Halton's physical form and community character. To achieve that vision, the ROP identifies an Urban Area and a Regional Urban Structure that are intended to manage growth in a manner that fosters complete communities, enhance mobility across Halton, address climate change, and improve housing affordability, sustainability, and economic prosperity. All planning decisions in Halton Region, which includes the City of Burlington, must conform to the ROP.

Regional Official Plan Amendment (ROPA) 48 was approved by the Minister of Municipal Affairs and Housing on November 10, 2021. This amendment is the first amendment to be advanced as part of the Regional Official Plan Review under section 26 of the Planning Act. ROPA 48 defines specific elements of a Regional Urban Structure including Strategic Growth Areas.

In accordance with Map 1H “Regional Urban Structure” of the ROP, as amended by ROPA 48, the subject property is located within the Urban Area. The goal of Urban Areas is to “manage growth in a manner that fosters complete communities, enhances mobility across Halton, addresses climate change, and improved housing affordability, sustainability, and economic prosperity” (ROP 72). The policies of ROPA 48 are in effect and not subject to appeal.

ROPA 49 is the second amendment to be advanced as part of the Regional Official Plan Review. ROPA 49 was adopted by Regional Council on June 15, 2022 and was approved by the Minister of Municipal Affairs and Housing with 45 modifications on November 4, 2022. ROPA 49 outlines a land use policy framework to guide growth and development within the Region to 2051, including policies and schedules that address housing and growth management and long-term planning for employment and infrastructure.

City of Burlington Official Plan (1997, as amended)

The City’s Official Plan (1997, as amended) (the OP) outlines a long-term vision of the community and quality of life for Burlington residents and provides policy direction to the public and private sectors on land use, development, and resource management matters to guide the future planning and development of the City towards the desired community vision.

As shown on Schedule B of the OP, the subject property is located within Mixed Use Corridor – General designation. This designation permits a wide range of retail, service commercial, personal service uses; financial institutions and services; a broad range of office uses; entertainment, recreation, and other community facilities such as a day care centres; and small-scale motor vehicle dealerships; high density residential uses, and a full range of office uses. This designation permits mixed-use development with a maximum building height of 6 storeys and a maximum Floor Area Ratio of 1.5:1. Townhouses may only be permitted as a component of an overall development of mixed residential or residential/commercial building forms.

The applicant proposes to amend the Official Plan (1997) to permit mixed-use development on the subject property with maximum building heights of 8, 9, and 11 storeys, and maximum Floor Area Ratio of 2.07:1 on the west parcel and 4.48:1 on the east parcel.

City of Burlington New Official Plan (2020)

On November 30, 2020, Halton Region issued a Notice of Decision approving a new City of Burlington Official Plan (2020) (“the new OP”). The new OP is subject to appeals, including an appeal by the owner of the subject property. Appeals are currently before

the Ontario Land Tribunal (OLT). For up-to-date information on the status of the new OP and relevant appeals, visit www.burlington.ca/officialplan.

The City of Burlington's new Official Plan (2020) ("new OP") designates the subject property as Urban Corridor as shown on Schedule C "Land Use – Urban Area". The policies in Section 8.1.3(7) of the new OP permit mixed use development to a maximum height of six storeys and a maximum Floor Area Ratio of 2.0:1. Evaluation of applications shall consider whether the proposed use is compatible with existing and proposed uses on nearby lands, and consistent with the policies of the new OP. The subject properties are not located within a Major Transit Station Area (MTSA), as shown on Schedule B of the new OP.

The Growth Framework policies in Section 2.4 of the new OP recognize Primary Growth Areas and Secondary Growth Areas as the areas that will accommodate the majority of the City's forecasted growth and be the priority areas for investment in infrastructure improvements to accommodate growth. The subject property is located within the Secondary Growth Area as shown in Schedule B-1, "Growth Framework", of the new OP. These areas shall be limited to a maximum of mid-rise building form, unless otherwise permitted by the policies of the new OP.

Secondary Growth Areas are also subject to policies for Urban Design and Built Form in Section 7.3 of the new OP. This section acknowledges that built form characteristics, siting, access, servicing, and parking arrangements can positively contribute to the success of the public realm. Development in Secondary Growth Areas shall promote a transit-supportive and pedestrian-oriented environment and ensure compatibility with adjacent land uses, particularly Established Neighbourhood Areas.

Zoning By-law 2020

The City's Zoning By-law zones the subject property as Mixed-Use Corridor – General (MXG). This zone permits mixed-use development with a maximum height of 6 storeys and a maximum Floor Area Ratio of 1.5:1, consistent with the policies of the Official Plan (1997). Requirements for parking spaces and amenity spaces are also outlined in Part 5 of the Zoning By-law.

The applicant proposes to amend the Zoning By-law to rezone the property from MXG (Mixed-Use Corridor – General) to MXG-XXX, creating a new site-specific exception (-XXX) to permit building heights of 8, 9, and 11 storeys, a maximum Floor Area Ratio of 2.07:1 on the west parcel and 4.48:1 on the east parcel, reduced parking requirements, reduced amenity space requirements, and other site-specific regulations to permit the proposed development.

Table 1 below summarizes the site-specific regulations that have been requested by the applicant, in comparison to the base requirements set out in the MXG zone.

Table 1: Summary of site-specific regulations requested by applicant, compared to MXG zone regulations

	MXG zone requirements	**Site-specific regulations requested by applicant**
Maximum building height	6 storeys	8 storeys (west parcel) 11 storeys (east parcel)
Maximum Floor Area Ratio	1.5:1	2.7:1 (west parcel) 4.48:1 (east parcel)
Minimum amenity area	15 m^2 per efficiency dwelling unit; 20 m^2 per one-bedroom dwelling unit; 35 m^2 per two or more bedroom dwelling unit; Back-to-back townhouse: 25 m^2 per dwelling unit	15.2 m^2 per dwelling unit
Minimum parking supply for apartment occupants	1.25 spaces per unit inclusive of visitor parking. Tandem parking spaces not counted.	1.1 spaces per unit inclusive of visitor parking. Tandem parking spaces counted.
Minimum parking supply for retail/service commercial uses	5 spaces per 100m^2 gross floor area, less a factor of 5%	
Minimum setback for below-grade parking structure	3 m	2.3 m
Landscape Buffer abutting residential zone	6 m	3 m

As of the time of writing this report, Zoning staff have not yet completed their review of the subject applications. Through their ongoing review of the applications, Zoning staff will confirm the extent of zoning conformity issues and the detailed amendments to the Zoning By-law that would be required to permit the proposed development.

Urban Design Guidelines

The proposed development is subject to the following Council-approved urban design guidelines:

- Design Guidelines for Mixed-Use and Residential Mid-Rise Buildings (2019)

- Plains Road Corridor Urban Design Guidelines (2006)
- Shadow Study Guidelines and Terms of Reference (2020)
- Pedestrian-Level Wind Study Guidelines and Terms of Reference (2020)
- Sustainable Building and Development Guidelines (2021)
- Stormwater Management Design Guidelines (2020)

Planning staff will evaluate the subject applications in accordance with the applicable urban design guidelines.

Technical Comments

A request for comments has been circulated to external agencies and relevant City departments.

Public Comments

Members of the public who wish to provide comments on the subject applications should submit their written comments to the Planner on file, using the contact information provided at burlington.ca/plainsanddownsview. Public input will be considered by staff in the review of the subject applications.

As of October 31, 2022, Planning staff have received written comments via email from eight members of the public. These comments are appended in Appendix B of this report.

Of the eight comments received, two expressed support for the proposed development, provided that it contain sufficient multi-bedroom units for families, and that construction be managed to avoid sidewalk closures. The other six comments received by staff identified concerns with the proposed development, which are summarized in Table 2 below.

Table 2: Summary of public comments received by Planning staff as of October 31, 2022

Row #	Public comment theme	Staff response
1	Traffic Concerns were expressed that the proposed development would cause traffic congestion problems, and associated noise and pollution	A Transportation Impact and Parking Study was submitted with the applications and is available online at burlington.ca/plainsanddownsview. This study will be reviewed by Transportation staff. An Environmental Noise Assessment was also submitted with the applications and is also available online at the web address above.
2	Parking Impacts Concerns were expressed about the lack of availability of at-grade parking for visitors and customers to the proposed development	A Transportation Impact and Parking Study was submitted with the applications and is available online at burlington.ca/plainsanddownsview. This study will be reviewed by Transportation staff.
3	Height and Density Some concern was expressed that the proposed development may contribute to the area becoming overpopulated beyond the character of what is believed to be representative of a village or Aldershot Village	The subject property is located within an Urban Corridor in the City's new Official Plan that permits a mix of uses. With this in mind, planning staff at the City and Halton Region will review the subject applications and determine whether the proposed level of density is appropriate for the subject property.
4	Types of Commercial Use One commenter expressed a need for development to accommodate different types of commercial businesses that are needed in the community.	Planning staff will review the subject applications to determine whether the proposed development meets the objectives of the Official Plan, which include an objective for development in Urban Corridors to provide opportunities for a range of small and medium-scale retail and service commercial uses in locations that meet residents' day-to-day and weekly goods and service needs.
5	Shadow Impacts One commenter raised concerns about the potential loss of sunlight to their building/unit from the proposed development on neighbouring properties	A Shadow Study was submitted with the applications and is available online at burlington.ca/plainsanddownsview. This study will be reviewed by Planning staff.

6	Construction Management One commenter expressed concern that construction of the proposed development, if approved, would require temporary sidewalk closures.	A Construction Management and Mobility Plan has been submitted with the applications and is available online at burlington.ca/plainsanddownsview. This study will be reviewed by Transportation and Site Engineering staff.
7	Impacts to neighbouring property values	Property values are not a planning consideration.
8	Impacts to private views	Impacts to private views are not a planning consideration.

Financial Matters:

All application fees have been received in accordance with the Development Application Fee Schedule.

Climate Implications

In February 2020, City Council approved the City of Burlington Climate Action Plan to support the City's path to a low-carbon future, focusing on mitigating greenhouse gases and reducing energy consumption. The Plan identifies seven implementation programs, including programs to enhance energy performance for new and existing buildings; increase transit and active transportation mode shares; electrify City, personal and commercial vehicles and other currently gas-powered equipment; and support waste reduction and diversion.

Engagement Matters:

A virtual Pre-Application Community Consultation Meeting was held by the applicant on January 31, 2022. This meeting was attended by approximately 40 members of the public as well as by City staff, Mayor Marianne Meed Ward, and ward 1 Councillor Kelvin Galbraith. At this meeting, the applicant sought feedback from the public on the proposed development.

Since receiving a complete application for the subject lands, City staff have engaged members of the public through the City's standard public notification and consultation practices for an Official Plan Amendment and/or Zoning By-law Amendment application:

- A webpage with information about the subject applications was published on the City's website at burlington.ca/plainsanddownsview;
- Notice signs were erected on the subject property in September 2022;

- A notice was mailed to all property owners and tenants within 120 metres of the subject property (a total of 546 addressees) in September 2022;
- A Statutory Public Meeting will be held on December 6, 2022. This report has provided information about the subject applications to inform discussion at the Statutory Public Meeting.
- Notice of the Statutory Public Meeting was published in the City Update section of the Burlington Post on November 10, 2022. Notice of the meeting was also posted on the website and sent by mail to owners and tenants within 120 metres of the subject property.

Interested members of the public can continue to provide written comments to City staff using the contact information provided on the webpage linked above or by contacting the Community Planning Department.

More information on the planning process in Burlington, including opportunities for public consultation, can be found at www.burlington.ca/planningprocess.

Conclusion:

This report provides a description of the applications for Official Plan Amendment and Zoning By-law Amendment for 1010 Downsview Drive and 355 Plains Road East, an update on the technical review that is underway, and a summary of technical and public comments received to date.

Respectfully submitted,

Thomas Douglas MCIP RPP

Senior Planner

Thomas.douglas@burlington.ca

(905) 335-7600 ext. 7811

Appendices:

A. Zoning and Concept Plans
B. Public Comments

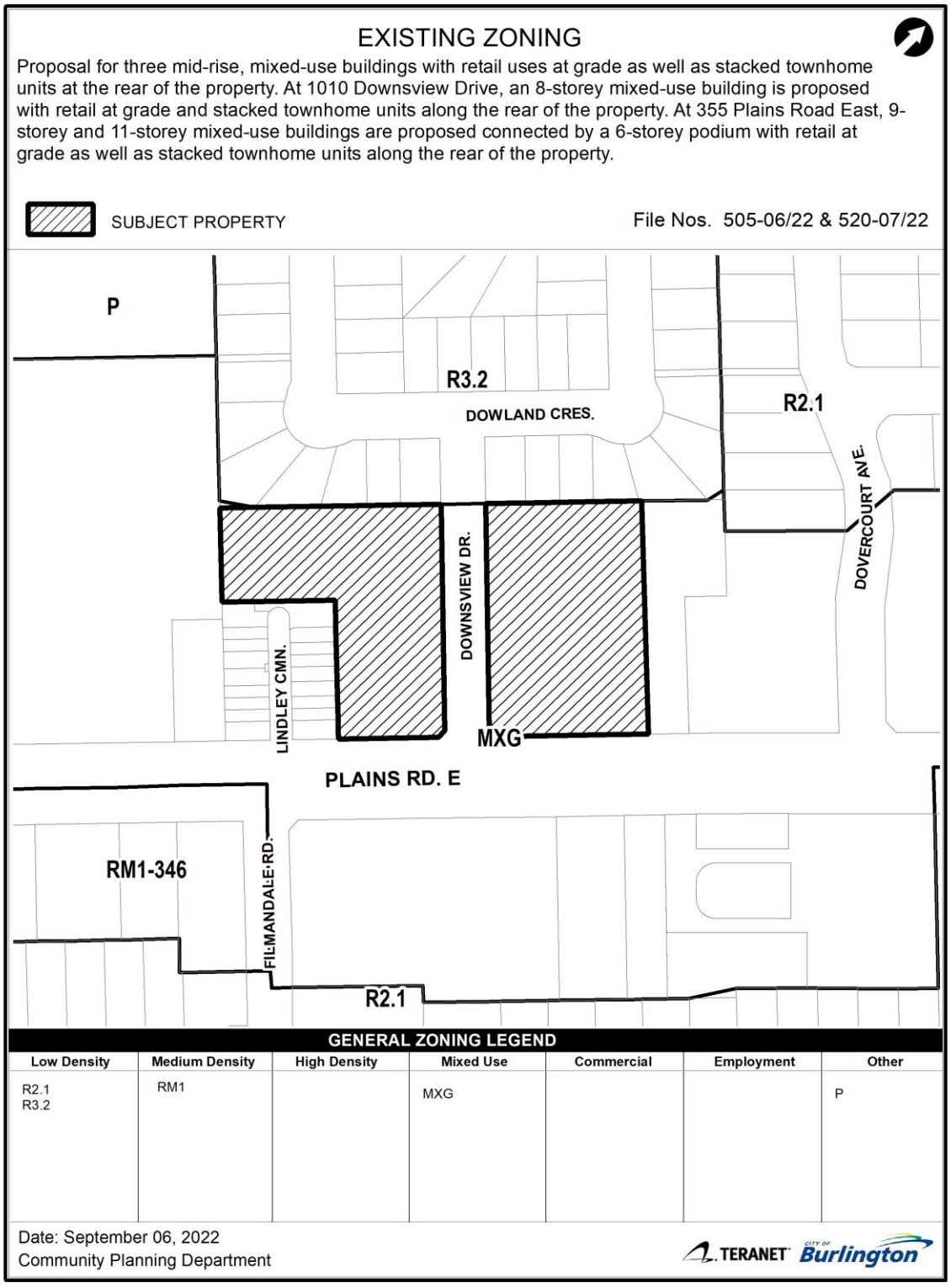
Notifications:

Jillian Sparrow, MHBC Planning, Urban Design, and Landscape Architecture

Report Approval:

All reports are reviewed and/or approved by Department Director, the Chief Financial Officer and the Executive Director of Legal Services & Corporation Counsel.

Appendix A: Zoning and Concept Plans

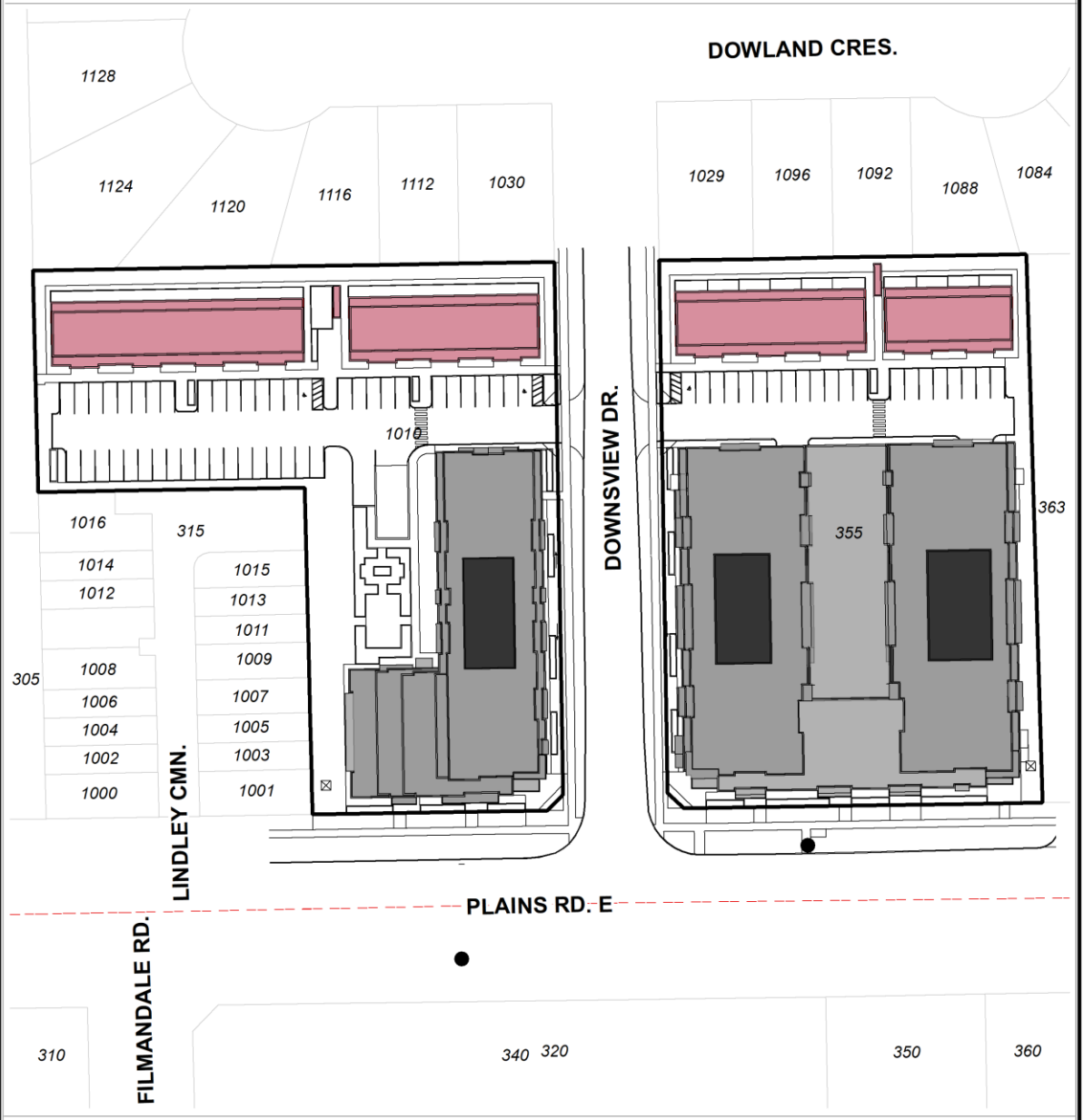


CONCEPT PLAN

Proposal for three mid-rise, mixed-use buildings with retail uses at grade as well as stacked townhome units at the rear of the property. At 1010 Downsview Drive, an 8-storey mixed-use building is proposed with retail at grade and stacked townhome units along the rear of the property. At 355 Plains Road East, 9-storey and 11-storey mixed-use buildings are proposed connected by a 6-storey podium with retail at grade as well as stacked townhome units along the rear of the property.

SUBJECT PROPERTIES

File Nos. 505-06/22 & 520-07/22



Date: September 06, 2022
Community Planning Department

TERANET Burlington

Appendix B: Public Comments

Comment 1

From: Anna Maida

Date: September 21, 2022

Hello, my name is Anna Maida and I own [redacted]. I purchase my condo from Rosehaven builder and I never was told about any future constructions in this area . My windows are facing Plains rd and I am absolutely definitely disagree and oppose any construction of new condo development and housing on this plaza . It will block off all the view that I have from my windows and it will take all the charm off this neighborhood , it will be so depressing looking in to another building across from my balcony , no views and it will take all the sun exposure that I possibly can get. Please not allow this project to go true . This is my investment my retirement home , this street is busy enough. Please , please not allow this to happen.

Thank you ,

Anna Maida homeowner of [redacted]

Comment 2

From: Chris Benoit

Date: September 21, 2022

Hello,
I saw the notice in the mail about the planned development on Downsview and Plains. I live in [redacted]. I think the new development looks totally fine, we need more missing-middle style places for people to live, that aren't just single family homes on huge lots, or skyscrapers. The third building is a bit on the tall side I guess, but the project overall looks like it would be a great addition to Aldershot. I know sometimes these sorts of plans only attract opponents, so I thought I would write in and contribute some feedback from the yes-in-my-backyard side. Ideally there would be some 3-bedroom units and larger townhouses to accommodate families, and not just a bunch of 1-bedroom places.

Thanks,

Chris Benoit

Comment 3

From: Adam Maciorowski

Date: September 22, 2022

Morning,

I received a letter stating that there would be a development at 1010 Downsview dr & 355 Plains rd. This area has a lot of traffic and noisy cars/motorcycles driving by. Local businesses should stay for all of us shop around in. I oppose in any new development.

Thank you

Adam Maciorowski

Comment 4

From: Luke Chrusciel

Date: September 24, 2022

Hi Thomas

We are an owner at [redacted]. We raise a concern specific to traffic and noise level attributed to building condo units right across the street. Additional 750+ parking spaces implies 750 additional cars over a small area, which will negatively impact the traffic flow and noise levels for the existing residents. We recognize the need for additional housing units, however, I strongly recommend that the buildings be limited in height and not 11 or 9 stories. They all should be low rise on that stretch and consider the development of new buildings at the intersection of Waterdown road and Plains Rd East, with plenty of existing real estate space.

Thank you for considering.

Luke

Comment 5

From: Barbara

Date: September 27, 2022

Hello,

I own a condo unit in the building located at [redacted]. Please reconsider the construction of this high density building that will not only obstruct the views of the escarpment from my unit and devalue my unit, but it will bring increased traffic to the area as well as pollution. I am concerned about the noise levels that will last for an extended period of time during the constructions phase. Please do not permit this development.

Thanks,

Barbara

Comment 6

From: Resident [name redacted by request]

Date: October 4, 2022

Hello Thomas,

First, as per the Municipal Freedom of Information and Protection of Privacy Act, I **request** that my name and address **NOT** be made available to the public.

My comments are as follows:

I live [redacted]. The building I live in is 6 stories high and almost all of the nearby surrounding condo buildings are about the same height, (except for the apartments on Plains at Howard). I feel that new buildings with towers 8, 9 stories and almost double the height, at 11 stories, is too high as it will begin to change the aesthetic from that of a "village" to that of a high rise cityscape. This is Aldershot **Village**, and the charm is that it is village-like! It ought be important to maintain this village atmosphere for those who have already chosen to live in this "village community".

Also, I think with a development that size, there is going to be too many residents and subsequently too many vehicles, for Plains Rd.. It's too late to dispute this impact on the roads now, as the property has already been sold to such Developers, however, the sad consequence is that it will be painfully congested Monday to Friday during rush hours, and again, making our village become more like a city. I do realize that I too live in a condo development, however, at some point, too much becomes enough. Although the city is currently reconstructing the roadway to make it more conducive to traffic flow and safer for cyclists and walkers, the vast majority won't be travelling by bike or foot and the congestion will be unavoidable. It may not feel much like a village once these residences are populated.

Finally, I hope thsese mixed- use sites will be conducive to new establishments **other than** dental offices, hair and nail salons. I hope there has been some thoughtful planning about these spaces which should be built to invite a variety of businesses that would provide some of the day to day necessities for a local, walkable ,sustainable and thriving smaller community, on the fringes of the city.

Perhaps I am not the only one expressing these opinions. I trust my thoughts, comments and concerns will be taken into consideration for the staff report, about the application.

Thank you for your time.

Comment 7

From: Bill Powell

Date: October 7, 2022

Hi,

In looking at the proposed development plan for both sides of Dowland Cres, one major issue stands out that is the lack or non existing outside parking for both of these proposal.

Why is this an issue, two reasons: first there is no visitor parking area and second I understand that there will commercial/retail space on the 1st floor in both with no parking space for their clients.

This will be a major issue for residents since the only options for both visitors and clients would be parking on the street. Or of more concern visitors maybe decide to park in the parking lot behind 320-340 Plains Rd E. across the street.

Always once a year our condo complex [redacted] requires our residents to remove their cars for garage cleaning even with are visitor parking capacity this is always an issue for residents. So I assume both of these condo developments will have the same requirement. Where will they park during this and worst there is more units then ours plus two underground parking lots.

This concept plan need major adjustment for surface parking which currently does not exits. I am sure the townhome owners at the back of both will not appreciate there parking spaces being used by the condos.

Although there is a note about parking spaces 262 for Dowland and 489 for 335 plains rd I am sure this is only for residents of the condo and not for visitors or retail customers, at else the plan does not show any outside parking spaces.

Bill Powell

Comment 8

From: Herman and Dini Schut

Date: October 7, 2022

My wife and I live in a townhouse [redacted]. We have no problem with amending the Official Plan and Zoning Bylaw to permit the development as proposed. However, we ask dat during construction (which may be many years in the future!) the sidewalk for the total width of the project remains open for use by pedestrians (with appropriate protection, of course) as both of us are avid walkers in the neighborhood.

Thank you.

Herman and Dini Schut

Statutory Public Meeting
Applications to amend the Official Plan and Zoning By-law

Applicant: MHBC Planning, Urban Design and Landscape Architecture for Colterra Development

Addresses: 1010 Downsview Drive and 355 Plains Road East

Date: December 6, 2022

Report: PL-79-22

File no.: 505-06/22, 520-07/22

Overview of Development Site

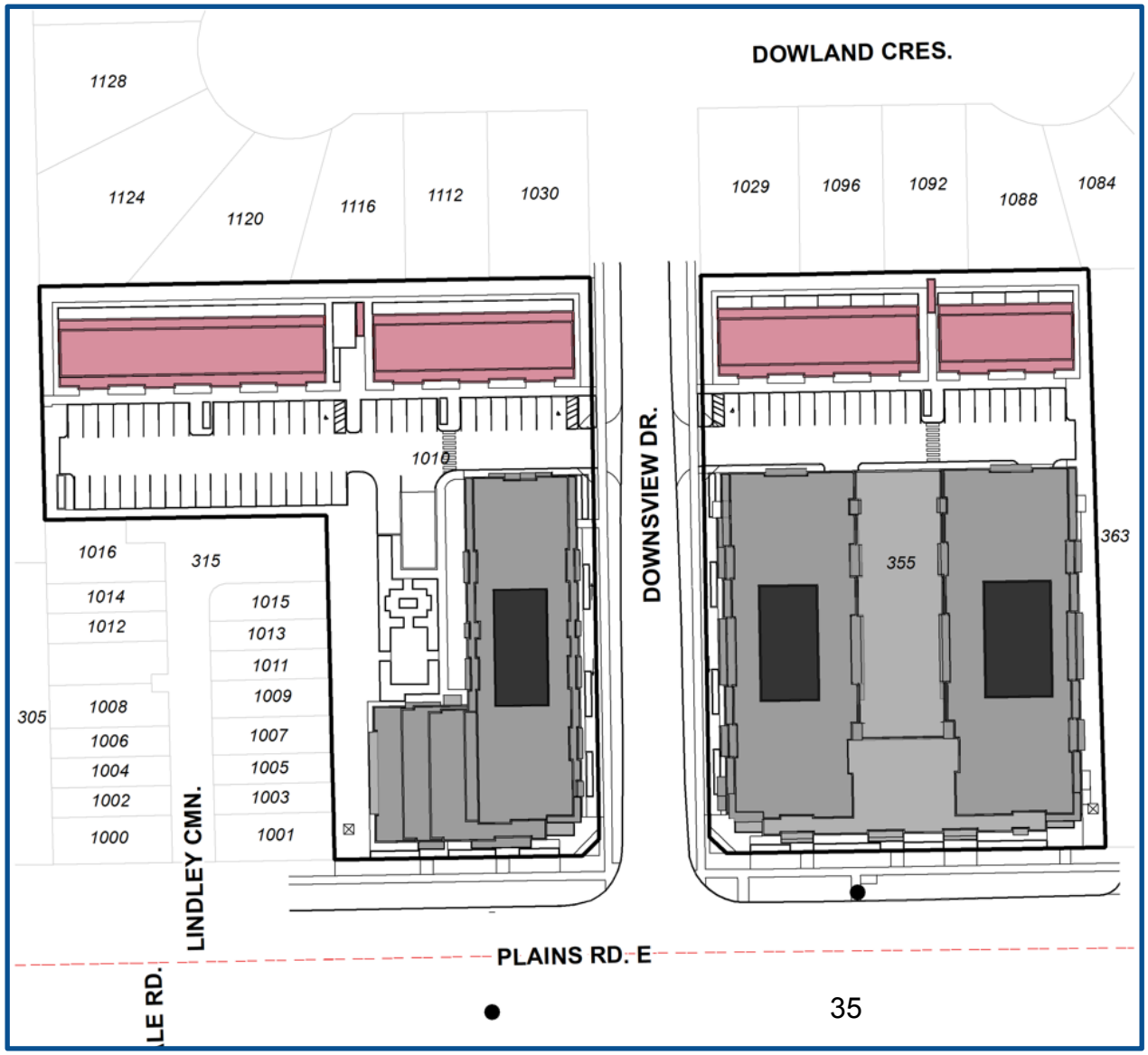
1010 Downsview Drive
Site Area: **0.72 hectares**
Frontage on Downsview Drive: 102 m

&

355 Plains Road East
Site Area: **0.75 hectares**
Frontage on Plains Road East: 69 m

CITY OF Burlington

Proposed Development



Stacked Townhomes

Mixed-use buildings

Proposed Development

Proposed Development

Proposed Development

Policy Context

- Provincial
  - Provincial Policy Statement (PPS), 2020
  - A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020)
- Regional
  - Halton Region Official Plan (ROP)
- Local
  - City of Burlington Official Plan
  - City of Burlington Zoning By-law 2020

Burlington Official Plan

Current Official Plan (1997 as amended)	
Designation:	**Mixed Use Corridor - General**
Permits:	Mixed-use development with a maximum building height of six (6) storeys and a maximum Floor Area Ratio of 1.5:1.

New Official Plan (2020) (subject to appeals)	
Designation:	**Urban Corridor**
Permits:	Mixed-use development to a maximum height of six (6) storeys and a maximum Floor Area Ratio of 2.0:1

Requested Official Plan Amendment	
Designation:	**Mixed Use Corridor - General, with site-specific policy**
Permits:	Height up to eleven (11) storeys and Floor Area ratios of 4.48:1

Burlington Zoning By-law

Zoning By-law	
Zone:	**Mixed-Use Corridor – General (MXG)**
Permits:	Mixed-use development with a maximum height of 6 storeys and a maximum Floor Area Ratio of 1.5:1

Requested Zoning By-law Amendment	
Zone:	**MXG-XXX (Mixed-Use Corridor – General with site-specific exception)**
Permits:	Maximum Height: 8 Storeys (west parcel) 11 Storeys (east parcel) Maximum Floor Area Ratio: 2.7:1 (west parcel) 4.48:1 (east parcel) Reduced parking rate Reduced amenity area Reduced setback for below-grade parking structure Reduced landscape buffer abutting residential zone

Public Consultation

- January 31, 2022: Pre-Application Community Meeting
- Fall 2022:
  - Complete application submitted
  - Notices: sign on property, mailed to neighbours and in Burlington Post
- Webpage created: www.burlington.ca/plainsanddownsview
- December 6, 2022 (today): Statutory Public Meeting
- Public comments attached as Appendix B to Report PL-79-22
  - Traffic congestion (and associated noise pollution)
  - Parking supply
  - Building height and density
  - Types of commercial uses, and
  - Shadow impacts

Recommendation:

Receive and file report PL-79-22

For more information:

- Visit www.burlington.ca/plainsanddownsview
- Visit https://olt.gov.on.ca/appeals-process/case-status

CITY OF Burlington

[redacted]
Burlington
[redacted]

City of Burlington
426 Brant Street
Burlington
L7R 3Z6

2nd December 2022

Dear Mr. Douglas,

Re: 1010 Downsview Dr. and 355 Plains Rd. East

I am writing to you with concerns I have regarding the pending development application for the above mentioned properties (White Oaks Plaza). I am unable to attend the Statutory meeting on the 6th December so please accept my written comments instead of an in person delegation.

I take particular issue that the mixed use general (MXG) zoning designation is being used as a means of gaining intensification at the expense of retail. One only has to review the recent development projects on Plains Road to realize just how minimal the retail options will be as a result of these mixed use developments. To quote some recent applications where the retail space built was significantly less than the space being displaced:

1. 35 Plains Rd East – 2,473 square feet
2. 348 Plains Rd East – 2,000 square feet
3. 484 Plains Rd East – 10,748 square feet

Simply put, the adoption of MXG is merely accelerating the decline of retail and commercial outlets along the Plains Road corridor and leaving the ward residents with fewer local amenities.

It is interesting to read the applicant's justification report[1] in support of their application in which they state:

Planning for the proposed development has been guided by the principles for achieving a complete community which includes the connection and integration of compatible land uses, the achievement of a walkable community where residents can walk to work, shops, services and

[1] https://www.burlington.ca/en/news/resources/Current-Development-Projects/Ward-1/Coletara-Development---1010-Downsview-Dr.-and-355-Plains-Rd.-E/Supporting-Documents/11.-Planning-JustIfication-Report.pdf

park areas, the provision of a diversified range of housing options, and the inclusion of several mobility options. The proposal provides for the completion and build out of the Subject Lands with 584 residential units along with 628.6 m² of ground floor retail.

The breakdown of the retail units, as taken from the architectural plans[2]:

- Unit 1: 1,454 ft²
- Unit 2: 1,633 ft²
- Unit 3: 888 ft²
- Unit 4: 925 ft²
- Unit 5: 984 ft²
- Unit 6: 882 ft²

Offering 628.6 m² of retail space through 6 units – which is a mere 1.3% of the proposed total gross floor area (48,695.5 m²) - is hardly a sound justification for eliminating the vast retail footprint that is currently offered at this location.

In fact, the applicant seems to acknowledge this themselves on page 14 of their report when it was already raised as a major issue during the initial planning stages:

Retail
Those in attendance raised concerns regarding the loss of the retail plaza and the necessity for the provision of at-grade retail. There is a concern that there is limited retail in the community and small retail units at grade will not adequately service the community.

Response
Although ground floor retail is not a requirement in the planning policies, it has been included in the development proposal to help create a pedestrian friendly animated street. Sufficient retail parking has been provided on site to service the proposed retail. Existing tenants are welcome to request units in the proposed development to remain in the community. The Aldershot community does not have any available land for large scale retail, therefore it is important to provide for mixed use buildings to allow for increased density while still providing amenity for the community.

The applicant's response is inadequate. The White Oaks Plaza contains a number of commercial properties that include a restaurant and a café. How can existing tenants like these be accommodated in the proposed new building(s) given that I see no provision for any kind of commercial venting in their design? As you are aware, proper venting would be required for a restaurant or cafe in order to meet fire code regulations. It is simply not possible for the existing tenants to be rehoused as the applicant purports.

[2] https://www.burlington.ca/en/news/resources/Current-Development-Projects/Ward-1/Coletara-Development---1010-Downsview-Dr.-and-355-Plains-Rd.-E/Supporting-Documents/5.-Architectural-Plans.pdf

Furthermore, under the Evaluation of Healthy Community Guidelines (Mobility section), the applicant states on page 34 that they are in compliance of the proposed development:

The additional residential density will support a variety of commercial uses within walking distance, including the many commercial uses located along Plains Road.

I fail to see how increased residential density can support commercial uses given that all of the existing retail space on the site will be lost. How is this achieved?

The intensification currently occurring within Aldershot, in its current form, will not lead to improved retail options and this proposal is evidence of that by only offering a meagre 628.6 m² for retail space. Retail and commercial opportunities are being eroded and permanently lost.

As I have previously mentioned on other applications I have submitted and/or delegated on, I would like to advocate that commercial venting should be mandatory on all new mixed use applications that exceed a certain height (perhaps this could be 8+ storeys and done through zoning by-laws), as this would expand the variation of retail possibilities (e.g. restaurants and cafes would become feasible). Skimping on commercial venting should not be allowed as it only guarantees that there will be a lack of retail variety. We need better zoning by-laws that govern the specific retail component of MXG. As of now, an applicant can propose an 11 storey with increased density, put a vending machine on the ground floor and have it pass under MXG.

One only has to look at the MXG applications submitted in the past few years and there is not a single one that includes any kind of provision for commercial venting in their design. This effectively eliminates a subset of retail (restaurants, pubs, cafes) that the Plains Road corridor really needs.

In order to increase the retail variety within Aldershot, there needs to be a mechanism in place that will enable quality and variety of retail establishments at the initial planning application stage. I believe that mandatory commercial venting would go some way in helping achieve that goal and would reinforce the "walkable community" message that the City proclaims. The current development path that we are on, and that is endorsed by weak zoning by-laws, is simply not sustainable and will eventually lead to the demise of retail along the entire Plains Road corridor as all the small plazas are acquired and converted to residential with shoebox style partitioned units masquerading as retail space.

I would be grateful if you could acknowledge safe receipt of this letter.

Yours sincerely,

Stephen Miller

SUBJECT: Statutory Public Meeting and Recommendation for a City-initiated Official Plan Amendment and Approach in Response to Bill 109 "More Homes for Everyone Act, 2022"

TO: Community Planning, Regulation & Mobility Cttee.

FROM: Community Planning Department

Report Number: PL-69-22

Wards Affected: ALL

File Numbers: N/A

Date to Committee: December 6, 2022

Date to Council: December 13, 2022

Recommendation:

Endorse the approach to implement the Provincially mandated changes resulting from Bill 109 as outlined in community planning department report PL-69-22; and

Approve Official Plan Amendment No. 130 to the City of Burlington Official Plan, as provided in Appendix A of community planning department report PL-69-22, to implement Bill 109 legislation; and

Deem that Section 17(21) of The Planning Act has been met; and

Instruct the City Clerk to prepare the necessary by-law adopting Official Plan Amendment No. 130, as contained in Appendix A of community planning department report PL-69-22.

PURPOSE:

To provide Council with an overview of Bill 109, the "More Homes for Everyone Act, 2022", and recommendations for how to best address the new legislation and limit the overall risk that this legislation introduces for municipalities.

Vision to Focus Alignment:

This report aligns with the following focus areas of the *2018-2022 Burlington's Plan: From Vision to Focus*:

- Increase economic prosperity and community responsive city growth
- Deliver customer centric services with a focus on efficiency and technology transformation

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Executive Summary:

The purpose of this report is to implement the changes to the *Planning Act* as a result of Bill 109. This report contains staff's analysis and recommendations of the financial, process, development application fees, and staffing implications resulting from Bill 109 and the City's response to minimize financial and legal risk to the Corporation.

This report also contains a proposed Official Plan amendment to the City of Burlington Official Plan to address the legislative *Planning Act* changes made by Bill 109. The proposed amendments relating to Bill 109 include updates to the information and materials required to deem a *Planning Act* application complete, notification requirements outlined in the Official Plan to address the legislative changes relating to required application fee refunds, to address development application process changes.

Background and Discussion:

In December 2021, the Provincial government struck a nine-member Housing Affordability Task Force ('the Task Force'), consisting of representatives of the development industry, the real estate industry, professional planning consultants, financial institutions and housing advocates. The Task Force did not contain any representation from local government or public sector professional planners. On February 8, 2022 the Province released the report of the Task Force, containing 55 recommendations that were intended to accelerate progress in closing the housing supply gap to improve housing affordability throughout the Province.

On March 1, 2022 Community Planning staff presented Report PL-27-22 which provided an overview of the Task Force's recommendations and highlighted the recommendations which staff found to have merit, those which had potential for staff support if additional information was provided and/or measures included, and those which staff identified as having concerns. On March 22, 2022 Council directed the Director of Community Planning to submit Community Planning Department Report PL-27-22 to the Provincial Ministry of Municipal Affairs and Housing as the City of

Burlington's response to the Task Force's report and directed the Director of Community Planning to monitor any actions emerging from the Task Force's report.

On March 30, 2022 the Provincial government released its "More Homes for Everyone Plan," and Bill 109, the "More Homes for Everyone Act, 2022", which it has described as a first step in implementing the recommendations of the Task Force. The Provincial government stated that it is committed to prioritizing implementation of all of the Task Force's recommendations over the next four years, with a housing supply action plan every year, starting in 2022/2023.

Bill 109, *More Homes for Everyone Act*, 2022 ("Bill 109") received Royal Assent on April 14, 2022. While parts of Bill 109 came into force at the time of Royal Assent, significant portions of Bill 109 come into effect on January 1, 2023. Recently, the province introduced Bill 23, the *More Homes Built Faster Act*. At the time of writing this report, Bill 23 is open for consultation and has not received Royal Assent by the legislature. It may be amended through that process. As such, the focus of this report will be on Bill 109, with subsequent staff reports to Council dealing with Bill 23.

Implications of Bill 109

Bill 109 was introduced by the province with the stated intention of accelerating development application review timelines and streamlining the approvals process to allow new housing to be constructed quicker. Some of the more significant legislative changes resulting from Bill 109 come into effect on January 1, 2023, while others have been in effect since Royal Assent and July 1, 2022.

Key legislative changes resulting from Bill 109 include:

1. A requirement to refund Zoning By-law Amendment and Site Plan Application fees if a decision is not issued within legislated timelines;
2. Increase in time to issue an approval for a Site Plan Application from 30 days to 60 days;
3. An ability to deem a Site Plan Application as "complete"; and
4. The approval authority for Site Plan applications must be an "authorized person" and can no longer be undelegated to Council for a decision.

The table below summarizes the percentage of application fee refund by processing days for the Zoning By-law Amendment (ZBA), Combined Official Plan Amendment (OPA) and Zoning By-law Amendment, and Site Plan Approval processes.

	Refund by Processing Days			
Application Type	**No Refund**	**50% Refund**	**75% Refund**	**100% Refund**
ZBA	90	91	150	210
OPA/ZBA	120	121	180	240
Site Plan	60	61	90	120

Application fees are not a revenue generating tool. They are a cost recovery mechanism to facilitate the City's review of a development application. As such, if the cost of reviewing applications is no longer guaranteed through application fees, the City may need to find another source of funding (i.e. tax supported service).

Based on historic and anticipated development application trends, approximately $2 million in reoccurring annual application fees are at risk of being refunded if they are not processed within legislated timelines. A single large-scale development that requires a Zoning By-law Amendment and Site Plan Approval could yield a refund nearing $300,000 if it is not processed within legislative timelines. There could be a significant impact to the municipal operating budget if development applications are not processed within the legislated timelines.

To understand the volume of applications that have exceeded the legislated timelines, staff reviewed the Zoning By-law Amendment applications and Site Plan applications that were processed between January 1, 2019 and September 2022. In that timeframe, the City made a decision within the prescribed legislated timelines less than 10% of the time. The primary reason is that staff to-date have collaborated with applicants to try and achieve a successful planning outcome which often requires revised plans and studies, which lead to additional processing time.

Bill 109 fails to recognize that the planning approval process to-date has fundamentally been an iterative process whereby the community, applicants, city departments, and external agencies collaborate to find solutions that represent good planning outcomes, which typically takes longer than the prescribed timelines. Even with the increase in processing time for site plan applications, from 30 days to 60 days as provided for by Bill 109, staff would not have adequate time to successfully collaborate with applicants during the formal review process.

Indirectly, as a result of Bill 109, any opportunity to work collaboratively and in an iterative fashion with proponents has been transferred from the application review stage to the pre-application phase of the review process. As such, staff will continue to emphasize the importance of pre-consultations and public engagement (for zoning by-law amendment proposals), before a formal application is submitted. This will require continued relationship building with the development industry as we encourage an enhanced and collaborative pre-application phase.

Bill 109 now allows a municipality to deem a Site Plan Application as “complete”, similar to the review process for a Zoning By-law amendment application. This is a much needed amendment to the Planning Act that assists in improving the quality and completeness of Site Plan Applications. A complete Site Plan Application will be informed by a successful Pre-Consultation process that would ideally lead to an efficient review process. An Official Plan Amendment is required to establish the criteria and submission materials that must be provided for a site plan application to be deemed “complete”. A draft Official Plan amendment, which implements these changes is included at Appendix A.

The processing timelines outlined in the Planning Act coupled with the threat of refunds if the timelines are not met requires changes to the applicable review processes to work within these parameters. The most significant change is that revisions to plans and other application materials will no longer be accepted once a formal application has been received by an applicant. Staff will review and recommend a decision based on what was initially submitted. This process change reinforces the importance of effective consultations with proponents prior to application submission so that they have clarity on a path to success before the formal application is submitted.

The changes to the Planning Act resulting from Bill 109 will also limit the role of the Site Plan process as a technical review of implementation details for a proposed development, similar to a Building Permit application. Council no longer has the authority to make a decision on site plan applications or introduce public input on such. The Site Plan approval process must respect the independence of the “authorized person” (i.e. the Director of Community Planning or staff delegate) as the decision maker. As a professional planner, the Director is required to make decisions in accordance with his or her professional opinions and the professional opinions of other technical subject matter experts. Any perception of political interference could result in appeals or other challenges to the Director’s decision.

Bill 109 will also lead to the potential for less public engagement in the development review process, as the focus is on making decisions on applications within the legislated timelines. Consultation, although an important step in the process, is a time commitment and the City must consider the length of time required for these efforts as well as opportunities to streamline approval. In the case of a Zoning By-law Amendment, staff are recommending that the Statutory Public Meeting and Recommendation Meeting be collapsed into a single meeting, in an effort to expedite the review process. However, this approach would reduce the number of times that the public is able to delegate in front of Council on a specific file. As outlined earlier, the *Planning Act* timelines do not provide enough time to allow for plan revisions during the application review process to respond to comments, and as such, meaningful public engagement will be most effective at the pre-application phase of the review. To that

end, while not legislated, staff are recommending that the City continue with Pre-Application Community Meetings for Zoning By-law amendment applications, which provide the public an opportunity to review and provide feedback on a proposal, prior to formal application submission. In addition, the public will still have the opportunity to participate in the formal application process by submitting comments for consideration, once an application is submitted to the City. As previously mentioned in this report, Bill 109 no longer allows Council to undelegate the decision making authority on a Site Plan Application which will eliminate any public discussion during this review process.

The development review process is reliant on many external agencies for their comments, feedback, and to establish connections with their own permitting processes (i.e. MTO permit and CH permit). In the interest of customer experience and applicant success, staff have incorporated this into our development review and recommendation process. To manage the threat of application fee refunds, the City will require external agencies to amend their processes and accommodate their needs outside of a Zoning By-law Amendment or Site Plan Approval process. This will undoubtedly place additional accountabilities on the development industry and their consultants to resolve various technical matters outside of a formal municipal application process. It is possible that additional changes to these processes will be required in response to the recently introduced Bill 23 legislation, once it is in force. Staff will report to Council on necessary changes through reports regarding Bill 23.

Bill 109 will place new pressures on staff capacity and will require prioritization of files to minimize fee refunds. This could mean that applications subject to Bill 109 refunds (Zoning By-law Amendments & Site Plan Applications) may take priority over other types of applications (Subdivisions, Committee of Adjustment applications, etc.) that are not subject to refunds. Also, files submitted once this legislation takes effect on January 1, 2023 may also be prioritized over applications already in process that are not subject to refund.

While the overall goal of the legislation is to encourage faster review and approval of applications, the legislative timelines leading to application refunds eliminates the iterative and collaborative process typical of in Planning. As a result, City staff and Council may, in some cases, be left with no option but to refuse applications where the information provided does not provide sufficient or adequate basis to conclude that the statutory tests applicable to the application in question are satisfied. This could result in a significant increase in Ontario Land Tribunal (OLT) appeals, for which the City would incur further cost which cannot be covered or offset by application fees. There will be the need to continue to monitor staff capacity and resources closely and it is anticipated that additional staff resources will be required to avoid application fee refunds. It should be noted that hiring staff in all areas of development services has proven to be, and will

continue to be, an ongoing challenge given the highly competitive hiring market for all technical experts within development services.

Bill 109 also fails to recognize that there are periods of time when municipal councils are not able to hear matters including periods during election years and other breaks in Council decision making. The Council and Committee meeting schedules and internal timelines leading up to an item being on an agenda will require additional flexibility to meet legislative timelines without punishment for refunds. This will result in more meetings and more evening meetings to facilitate delegations.

Strategy/process

In reviewing the implications of Bill 109, it is evident that significant process changes will be required as the status quo will not suffice as it would lead to application fee refunds. In developing a response to Bill 109, City Staff worked closely with Halton Region, Conservation Halton and the other local municipalities within Halton Region to ensure alignment and consistency in terms of the collective response to Bill 109 within the Region. This group developed a series of high level guiding principles and objectives, as well as various options for consideration. The high-level guiding principles and objectives are as follows:

- Ensure active and meaningful citizen engagement throughout the planning and decision-making processes;
- Minimize, to the extent possible, the need to issue application fee refunds;
- Develop a consistent, predictable approach to processing development applications across the Region with nuanced differences to reflect local considerations; and
- Encourage a ‘path to success’ approach for the development industry through enhanced pre-consultation.

Options Considered

In order to respond to the financial, legal and resource challenges presented by Bill 109, municipalities and supporting agencies need to amend and improve application processes. Staff have considered options to amend our combined Official Plan and Zoning By-law amendment processes, the stand-alone Zoning By-law amendment application process and the Site Plan application process.

Options were considered for each stage of the application review process including the pre-application phase, the formal application phase and the post-application phase following a decision by the municipality.

The below charts outline the options that were considered for each type of application, whether or not staff are recommending that the option be implemented and the associated staff comments.

Combined Official Plan Amendment and Zoning By-law Amendment & Stand-Alone Zoning By-law amendment

Pre-Application Phase	Recommended?	Staff Comments
1. Mandatory Pre-Consultation Process • Develop standardized pre-consultation request form across Region • Provide standardized Terms of Reference documents for 13 cross-jurisdictional studies • Incorporate additional review into pre-con (i.e. urban design, policy analysis, technical review, etc.) to the extent possible • Look at fees for pre-con process and expiration dates for pre-con packages	Yes	Indirectly, Bill 109 transfers the iterative aspect of development review to the Pre-consultation process. Staff will emphasize the importance of consultations before a formal application is submitted. This will require continued relationship building with the development industry as we encourage an enhanced and collaborative Pre-consultation process. The mandatory pre-consultation process will outline the 'path to success' for proponents.
2. Mandatory Pre-Application Community Meeting / Public Information Meeting	Yes	Continuing to facilitate pre-application public engagement provides the public an opportunity to review and provide feedback on a proposal, prior to formal application submission, which ultimately leads to better planning outcomes.
3. Mandatory Urban Design Review / Planning Policy Analysis	Yes	Integrating urban design reviews early in the review process reinforces the City's expectation for a high standard of design excellence resulting in a more efficient and effective

		municipal development review. Providing a detailed policy review and analysis at the pre-consultation stage will also provide an understanding of policy alignment early in the process.
4. Voluntary Pre-Submission Technical Review • 'Path to Success' – will provide clarity on threshold matters prior to application submission. • Failure to engage in this process may lead to refusal recommendations • Need to provide standardized timelines to ensure predictability	Yes	Certain complex technical matters will require more review time than the legislation provides. In these scenarios, staff will encourage a voluntary pre-submission technical review to appropriately address matters prior to application submission. While the City cannot compel a pre-submission technical review, failure to engage in this process may lead to a refusal recommendation and resolution of these matters in the context of an appeal.
5. Working with Clerks Department to develop an approach to allow for timely Council decisions	Yes	Threat of application fee refunds requires agility in terms of the timing of Council meetings to allow for timely Council decisions that respond to the Bill 109 timelines.
Application Phase	**Recommended?**	**Staff Comments**
1. Encourage proponents to unbundle applications (i.e. Official Plan Amendments & Zoning By-law Amendments; Zoning By-law Amendments & Plan of Subdivision) • Amend application fees to remove combined application discount	Yes	Bill 109 legislation contemplates combined Official Plan amendments and Zoning By-law amendments; however, bundling these with either a Subdivision application or Site Plan application will no longer be permitted. The principle of land use permissions (i.e. Official Plan and/or Zoning By-law designations) will need to be established prior to an

		application to facilitate the implementation of a proposal (i.e. subdivision or site plan) and will be part of the complete application requirements outlined in the Official Plan (see Appendix A).
2. Require 'sign-off' or approval of technical reports by a third-party (i.e. external agency) as part of a complete application	No	Staff will encourage complex technical matters to be resolved prior to application submission as part of the 'path to success' approach; however, we will not be able to compel an applicant to resolve all technical matters prior to application submission. Notwithstanding, failure to do so may lead to a refusal recommendation.
3. Redistribute fees to Official Plan Amendment, Subdivision, etc. to avoid impact of refunds • Collect engineering review fees under the Municipal Act to avoid refunds	No	The *Planning Act* does not allow for cross subsidization of application types and requires that each fee be designed to meet only the anticipated cost to process each type of application. Notwithstanding, staff are proposing that the City's fees be reviewed in Q2 2023 to ensure application fees accurately reflect the level of effort for each application type.
4. Provide recommendation on initial application submission – no time for resubmissions	Yes	Revisions to plans and other application materials will no longer be accepted once a formal application is under review. Staff will review and recommend a decision based on what was initially submitted. This process change reinforces the importance of effective consultations with proponents prior to application submission

		so that they have clarity on a path to success before the formal application is submitted.
5. Combined Statutory Public Meeting & Recommendation Report	Yes	An outcome of Bill 109 is the potential for less public engagement in the development review process. Collapsing the statutory public meeting and recommendation report into a single meeting condenses the review process; however, it also reduces the public's opportunity to delegate in front of Council. Given that revisions to plans will no longer be accepted during the application process, public engagement will be more effectively conducted at the pre-application phase. Staff are recommending that the City continue with Pre-Application Community Meetings, which provide the public an opportunity to review and provide feedback on a proposal, prior to formal application submission.
6. Recommend refusal of applications that cannot be resolved in legislated timelines	Yes	While the overall goal of Bill 109 is to encourage faster review and approval of applications, the threat of application refunds if timelines are exceeded, eliminates the iterative and collaborative process typical in Planning. As such, City staff and Council may, in some cases, be left with no option but to refuse applications, if matters are not appropriately addressed during the pre-application or formal application phases.

Post Application Phase	Recommended?	Staff Comments
1. Expanded Use of Holding Provisions (for Zoning By-law Amendments) to deal with appropriate matters (ex. Obtaining a Record of Site Condition)	Yes	Where determined to be appropriate, the expanded use of Holding Provisions, affixed to Zoning By-laws will allow certain matters to be addressed to the City's satisfaction after the approval of the Zoning By-law amendment.
2. Expanded Use of Holding Provisions (for Zoning By-law Amendments) to deal with any unresolved matters (ex. Determining the limits of a floodplain)	No	Holding provisions are an effective tool to delay development permissions until such time as the holding symbol is removed; however, conditions that can be applied to a holding provision are limited to items that are outlined in the City's Official Plan. Expanding the use of holding provisions to address matters beyond what is set out in the Official Plan is not permitted.
3. Investigate the use of Bill 13 to delegate authority to staff to remove holding symbol or other minor zoning by-law amendments	Yes	Staff believe that the use of Bill 13 legislation to increase staff's delegated authority permissions would be beneficial and will be further investigating this option as part of the continued strategy to respond to this legislation in 2023.

Site Plan Applications

Pre-Application Phase	Recommended?	Staff Comments
1. Mandatory Pre-Consultation Process • Develop standardized pre-consultation request form across Region	Yes	Indirectly, Bill 109 transfers the iterative aspect of development review to the Pre-consultation process. Staff will emphasize the importance of consultations

• Provide standardized ToR for 13 cross-jurisdictional studies • Incorporate additional review into pre-con (i.e. urban design, policy analysis, technical review, etc.) to the extent possible		before a formal application is submitted. This will require continued relationship building with the development industry as we encourage an enhanced and collaborative Pre-consultation process. The mandatory pre-consultation process will outline the 'path to success' for proponents.
2. Mandatory Urban Design Review / Planning Policy Analysis • Urban Design Panel Review requirement for complete application	Yes	Integrating urban design reviews early in the review process reinforces the City's expectation for a high standard of design excellence resulting in a more efficient and effective municipal development review. Providing a detailed policy review and analysis at the pre-consultation stage will also provide an understanding of policy alignment early in the process. It should be noted that if the recently introduced Bill 23 legislation is enacted, as drafted, urban design will be removed from the scope of site plan applications.
3. Voluntary Pre-Submission Technical Review • 'Path to Success' – will provide clarity on threshold matters prior to application submission.	Yes	Certain complex technical matters will require more review time than the legislation provides. In these scenarios, staff will encourage a voluntary pre-submission technical review to appropriately address matters prior to application submission. While the City cannot compel a pre-submission technical review,

		failure to engage in this process would likely lead to complications during the review process and complex conditions of site plan approval.
Application Phase	**Recommended?**	**Staff Comments**
1. Only accept unbundled site plan applications (i.e. zoning to be in place as requirement of a complete application)	Yes	The legislated process to deviate from the Zoning By-law (i.e. Zoning By-law Amendment or Committee of Adjustment) is longer than the Site Plan process. It would be inappropriate to make a decision on a site plan application prior to a decision on any amendment to the Zoning By-law. To prevent the risk of a Site Plan Application fee refund, Site Plan applications will no longer be accepted without confirmation that it complies with the Zoning By-law.
2. Streamline site plan review process to only focus on narrow scope outlined in the *Planning Act*	Yes	In the interest of helping applicants, staff have historically used site plan applications to capture all aspects of a development application including applicable law for a building permit (i.e. MTO permits, CH permits, etc.). Staff will narrow its scope to only review the elements specifically identified in the Planning Act to minimize risk of litigation, delays, and refunds of application fees.
3. Look at potential to introduce clearing condition fees or final site plan approval fees	Yes	A development application fee review will be initiated in mid 2023 to ensure the City's

		costs as are covered in the revised site plan application process.
Post Application Phase	**Recommended?**	**Staff Comments**
1. Deem Site Plan Approval subject to Conditions as an "approval" under Bill 109	Yes	Site Plan Approval subject to Conditions is the only approval identified in the Planning Act for a Site Plan Application. Issuance of such within the legislated timelines has been deemed as the decision point to avoid a refund of application fees.
2. Standardized Site Plan Conditions of Approval across Region	Yes	Staff have been working with all four municipalities in Halton Region to create a consistent approach to the site plan approval process.
3. Standardized condition(s) to cover the Region's requirements	Yes	Staff have been working with the Region of Halton to create a consistent approach to the Region's requirements in the site plan approval process.
4. 'Applicable law' matters historically dealt with as part of the site plan process to be dealt with after site plan approval and prior to an application for a building permit.	Yes	The site plan process can no longer be used by staff to review all aspects of development, including applicable law for a building permit. This will put more accountability on applicants (and their consultants) to resolve these issues outside of a municipal process.

City-Initiated Official Plan Amendment (included as Appendix A)

This report contains a proposed Official Plan amendment to the in-force City of Burlington Official Plan to address the legislative *Planning Act* changes made by Bill 109. The proposed Official Plan amendments include updates to the information and

materials required to deem a *Planning Act* application complete, notification requirements outlined in the Official Plan to address the legislative changes relating to required application fee refunds, and to address development application process changes.

The proposed amendment is being considered as part of a combined Statutory Public Meeting and Recommendation report, with sufficient notification having been provided in accordance with the *Planning Act* requirements and Official Plan policies. The proposed amendment revises Part VI – Implementation policies relating to the required pre-consultation; pre-application community meetings; supporting information / materials to be provided as part of a complete application; qualified persons and peer reviews; complete applications; incomplete applications; preliminary notification; notice of public meetings; and statutory public meetings. In addition, the proposed amendment introduces a new Official Plan Table for complete application materials which shall be applied in implementing the Official Plan policies. The table may be updated in the future to reflect the City's up-to-date applications submission requirements.

The proposed amendment is consistent with the guiding principles of the Official Plan, and an appropriate amendment given the 'Monitoring' and 'Implementation' policies contained within the Official Plan. It is also generally consistent with the direction of the City's New Official Plan, 2020. As such, staff recommend that the proposed Official Plan amendment be approved, as proposed.

Next Steps

Planning legislation will continue to evolve in 2023. To that end, staff are committed to the following next steps:

- Report back to Council on Bill 13, to explore the use of "delegated authority" for minor zoning amendments such as Temporary Use By-laws and lifting of Holding Zones.
- Report back to Council on Bill 23, to discuss the various procedural amendments to various development approval processes.
- Monitor and evaluate the implementation of Bill 109 and its impact on customer experience, corporate culture, staff morale, retention, and attraction.
- Initiate a Development Application Fee review in mid 2023.
- Use the fee review process to confirm staff capacities under Bill 109 and bring forward business cases for additional staff across Development Services, as needed.
- Continue business process improvements and related technology enhancements across Development Services.

- Continue to standardize Terms of Reference documents for development review across Halton Region.
- Monitor for Provincial regulations for Bill 109 to implement Bill 109 and report back to Council as needed.
- Report back to Council on any update of Region of Halton Memorandum of Understanding (MOU) with municipalities and conservation authorities.
- Amend the Delegated Authority By-law and Site Plan By-law as appropriate.

Financial Matters:

According to the *Planning Act,* planning application fees shall only be designed to meet the anticipated cost to the municipality to process each type of planning application. As such, development application fees cannot be a revenue generator for the City. The operating costs for Development Services relies on a cost recovery model for the City's costs in providing these services. The threat of refunds leads to potential instability in the City's budget and operating costs.

As previously mentioned in this report, the threat of refunds eliminates the opportunity for collaboration in the development review process. There will not be enough time to accept revisions to plans and supporting materials once the formal review process begins. Staff will be forced to make a decision and recommendation based on what was submitted when the application was deemed complete. This may lead to an increase in recommendations for refusal which will inevitably lead to more appeals before the Ontario Land Tribunal (OLT). OLT hearings are a very time consuming endeavour for all staff involved (i.e. Legal, Planning, Engineering, Transportation, etc.). The time associated with the OLT, takes away from staff capacity to process development applications. It is noted that the costs for OLT hearings cannot be recovered with development application fees therefore these costs are currently, and will continue to be borne by the tax base.

In January 2022, as part of the Provincial Housing Summit with big city mayors and regional chairs, Premier Doug Ford announced the launch of the $45 million Streamline Development Approval Fund (SDAF) Initiative. Ontario's 39 largest municipalities each received an allocation from the province to help modernize, streamline and accelerate processes for managing and approving housing applications. Burlington is utilizing this funding to complete the following initiatives:

- Review and optimize the timing and calculation of development charges during the development application process including proposed system enhancements;

- Optimize the pre-consultation and application submissions process along with other key activities related to pre-consultation;
- Review and optimize the pre-building permit review and approval process.

The on-going SDAF reviews may assist in streamlining the pre-consultation process for zoning by-law amendment and site plan proposals; however, the extent to which these reviews will mitigate financial risk to the corporation from Bill 109 refunds will be limited.

In October 2021, Council approved Report PL-46-21, which approved 15 new staff positions within Development Services, funded by revenues (i.e. positions funded directly from development application fees). This was based on the principle that growth should pay for growth, and the anticipated sustained development activity needed to fund the new staff positions. It was noted in the report that the successful implementation of these positions would require continued strategic monitoring of application volumes and associated revenues; however, the report did not anticipate the refund of application fees, as required by Bill 109. It is difficult to predict the upcoming fluctuations and variability in application revenues moving forward; however, any application fee refunds resulting from Bill 109 will result in staff effort not being recovered from application fees. As such, the City needs to be prepared to look at options to address potential declining revenues, including but not limited to, the use of reserve funds and reliance on the tax base.

Community Planning will be looking at development application fees through a fee review, anticipated to be initiated in mid-2023. It will consider any changes in business processes, staff effort and capacity as we implement Bill 109. This will allow for an accurate up-to-date understanding the staff effort required in development services to review applications in the Bill 109 context; however, it will not allow the City to plan for application refunds nor the recovery of any application fee refunds resulting from Bill 109.

Total Financial Impact

As outlined in this report, staff's intent is to minimize, to the extent possible, application refunds; however, it is likely that there will be a financial impact from application fee refunds, the extent of which is difficult to predict. As such, there will be the need for continued strategic monitoring of application processes, revenues and refunds by each service area's management team. The purpose of this monitoring will be to assess staff capacity in our service delivery while ensuring application fee refunds are minimized.

Source of Funding

Development Services staff positions are currently funded from the Operating Budget and fully supported by revenues from development application fees. Refunding of application fees will reduce cost recovery, resulting in an operating budget impact, causing pressure on the city's reserve funds and/or tax base.

Other Resource Impacts

Bill 109 is not just a Planning issue. Bill 109 will introduce impacts on staff across the corporation beyond Development Services such as Legal, Clerks, Finance, and Human Resources. Staff are currently working at extremely high levels with limited capacity to deliver existing services. Bill 109 will likely lead to further human resource impacts such as burnout, stress and staff turnover. Staff capacity, performance, morale, and overall corporate culture will have to be closely monitored with a commitment to act quickly on any emerging issues.

Climate Implications

Not Applicable.

Engagement Matters:

The City of Burlington is committed to engaging residents on issues that affect their lives and their city. The goal of community engagement is to lead to more informed and, therefore, better decision-making. It is vital that residents continue to be engaged on development applications and development planning in their neighbourhood.

Residents in Burlington have come to expect that they will be informed and engaged on these matters through the various actions the City takes.

In 2019, the City made significant improvements to how residents are informed and updated about development applications. Comprehensive webpage(s) were created where residents could get all information related to a development application. This includes the status of the application, meeting information and all related documents. With the launch of a refreshed City website in July 2022, further improvements were made to those pages. These webpages allow residents to subscribe for updates and stay engaged about development applications.

Communications & Engagement staff will continue to work closely with Community Planning staff to make sure residents are informed during the development application process. This includes:

- Posting all pre-application neighbourhood and statutory public/recommendation meetings on the City's 'Public Engagement' calendar
- Posting statutory meetings on the on the City's Public Notices 'Newsfeed' online
- Regular and consistent social media posts about upcoming statutory public/recommendation meetings
- Regular communication campaigns about subscribing to the 'Public Engagement' calendar and development application webpages
- Regular communication about the list of appealed development applications before the Ontario Land Tribunal

The province has not yet released the regulations to implement Bill 109. This has led to some uncertainty in how to adjust development review processes, and how to effectively consult the public and the development industry. In the absence of any guidance from the province, staff have worked with our colleagues across Halton Region, including Conservation Halton, to develop a consistent, predictable approach to processing development applications with nuanced differences to reflect local considerations. The intent is to encourage a similar 'path to success' approach for the development industry no matter where they develop in Halton Region.

The response to the legislative changes from Bill 109 will require fundamental shifts in how municipalities and the development industry do their work. Municipal processes will require adjustment along with the relationships with the development industry. The expectations and requirements of external agencies will be considered differently by using the right process and mechanism to achieve the desired result. Staff have consulted the development industry on the City's response to the Bill 109 legislation and will continue to collaborate with them moving forward.

Conclusion:

The Bill 109 legislation requires the City to fundamentally redesign its development application review processes to avoid the need refund application fees, while ensuring that every effort is made to achieve the best planning outcome for each application. The goal of the Development Services team at the City has always been to streamline processes to create consistent, predictable and customer-focused services that result in the best possible planning outcomes. Through previous continuous improvement initiatives including concurrent application reviews, expanded use of AMANDA software and digital development application review, LEAN reviews of development planning processes, etc., City staff have implemented changes to create as many efficiencies as possible with the available staff compliment and resources.

In response to Bill 109, staff are recommending business process changes which will continue to create operational efficiencies with a goal of reducing processing timeframes. It should be noted that there will be growing pains as staff implement these changes. While all efforts will be made to minimize application refunds, it is likely that this legislation will create financial impacts to the City and will likely require additional staffing resources to avoid further financial impact. Staff will continue to monitor the rollout of the Bill 109 strategy and report back to Council with updates, as needed.

Respectfully submitted,

Jamie Tellier, MCIP, RPP
Manager of Planning Implementation
905-335-7600 x7892

Kyle Plas, MCIP, RPP
Manager of Development & Design
905-335-7600 x7824

Appendices:

A. Official Plan Amendment No.130

Report Approval:

All reports are reviewed and/or approved by Department Director, the Chief Financial Officer and the Executive Director of Legal Services & Corporation Counsel.

APPENDIX A

AMENDMENT NO.130 TO THE OFFICIAL PLAN OF THE BURLINGTON PLANNING AREA

CONSTITUTIONAL STATEMENT

The details of the Amendment, as contained in Part B of this text, constitute Amendment No. 130 to the Official Plan of the Burlington Planning Area, as amended.

PART A – PREAMBLE

1. PURPOSE OF THE AMENDMENT

The purpose of this Official Plan Amendment (OPA) is to modify the text of the Burlington Official Plan and add a new Table to implement changes that have been made to the Planning Act resulting from Bill 109, More Homes for Everyone Act, 2022. This amendment would further the overall implementation of the objectives outlined in Part VI of the *Official Plan* to respond to the changing legislation.

Bill 109 has provisions requiring municipalities to refund application fees if decisions are not made within the timelines prescribed by the Planning Act. In addition, Bill 109 made changes to Section 41 of the Planning Act regarding site plan control. The changes included new rules about consultations with municipalities before plans and drawings for site plan are submitted for approval and respecting completeness of site plan applications.

The proposed OPA responds to the Bill 109 changes by updating the City's implementation policies regarding pre-consultation and complete application submission requirements in the *Burlington Official Plan*. The amended policies will ensure the pre-consultation and complete application process for development applications align with the Bill 109 legislation.

2. SITE AND LOCATION

The Official Plan Amendment applies to all lands within the City of Burlington subject to the *Burlington Official Plan*.

3. BASIS FOR THE AMENDMENT

a) Bill 109, More Homes for Everyone Act, 2022, received Royal Assent on April 14, 2022.

b) Schedule 5 of the Bill made changes to Sections 17, 34 and 41 of the Planning Act regarding Official Plan amendments, Zoning By-law amendments, and site plan control. These changes include rules for:

- When municipalities are required to refund application fees;
- Consultations with municipalities before plans and drawings for site plan applications are submitted for approval; and
- Assessing completeness of site plan applications.

c) This Official Plan Amendment supports the implementation and monitoring objectives of the City's Official Plan. The amendment ensures that the pre-consultation and complete application process for development applications will align with and achieve the objectives of the Bill 109 legislation.

d) The Statutory Public Meeting about the Official Plan Amendment will be held on December 6, 2022, including a final recommendation.

PART B – THE AMENDMENT

1. DETAILS OF THE AMENDMENT

1.1 Preamble Change:

The text of the Official Plan of the Burlington Planning Area, as amended, is hereby amended as described in the following table.

In the "Description of Change" column, text that is **bolded and underlined** is new text to be inserted into the Burlington Official Plan. Text that is crossed out ("~~strikethrough~~") is to be deleted from the Plan.

Item No.	Section	Description of Change
1.	**Preamble** **Part VII: Schedules and Tables** Complete Applications	Insert the following: **This part of the plan also includes a table outlining the list of information and materials that *may* be required to deem a Planning Act application complete.**

1.2 Map Change: None Proposed

1.3 Text Change:

The text of the Official Plan of the Burlington Planning Area, as amended, is hereby amended as described in the following table.

In the "Description of Change" column, text that is **bolded and underlined** is new text to be inserted into the Burlington Official Plan. Text that is crossed out ("~~strikethrough~~") is to be deleted from the Plan.

Item No.	Section	Description of Change
1.	**Part VI - Implementation** **Section 1.3 e)** Pre-Consultation	Delete section 1.3 e), as follows: ~~a) City Council shall require that adequate pre-consultation with the City occurs prior to the submission of an application for development, and shall encourage pre-consultation with other affected agencies such as the Region of Halton and Conservation Halton, where appropriate. Within areas subject to the Niagara Escarpment Plan and within areas of Development Control, proponents shall be encouraged to contact the Niagara Escarpment Commission to discuss permitted uses and development criteria.~~
2.	**Part VI - Implementation** **Section 1.3 f)** Additional Information	Delete section 1.3 f), as follows: ~~b) For an application for Official Plan Amendment, Zoning By-law Amendment, plan of subdivision, or consent (other than those consent applications made for the purposes outlined in Part VI, Subsection 4.4 c) of this Plan), City Council may require the provision of additional supporting information or material required to allow full consideration of the application. The scope of the information or material required for each application shall be determined by the City and Region of Halton as part of the pre-consultation process. This information may include, but shall not be limited to, the following:~~ ~~(i) Planning justification report for Official Plan Amendment and rezoning applications only (including a Land Use or Major Policy change rationale for Official Plan Amendment applications);~~ ~~(ii) conceptual site plan layout;~~ ~~(iii) storm water/Functional Drainage Report or storm services plan and flood plain delineation;~~ ~~(iv) water & waste water service report;~~

		~~(v) tree inventory and preservation study;~~ ~~(vi) traffic/transportation impact and/or parking study;~~ ~~(vii) hydrogeology study/ water budget & hydrology study;~~ ~~(viii) agricultural impact assessment report;~~ ~~(ix) market impact study;~~ ~~(x) financial impact study;~~ ~~(xi) top-of-bank demarcation/geotechnical report to identify the stable top of bank;~~ ~~(xii) environmental evaluation report;~~ ~~(xiii) noise and vibration study;~~ ~~(xiv) shadow analysis plan;~~ ~~(xv) park concept plan;~~ ~~(xvi) Phase I Environmental Assessment;~~ ~~(xvii) Phase II Environmental Assessment/Record of Site Condition;~~ ~~(xviii) land assembly documents;~~ ~~(xix) height survey of adjacent buildings;~~ ~~(xx) hydro corridor land use application;~~ ~~(xxi) sensitive land use report;~~ ~~(xxii) landfill impact study;~~ ~~(xxiii) employment/residential needs analysis;~~ ~~(xxiv) archaeological report;~~ ~~(xxv) risk study;~~ ~~(xxvi) utility and telecommunications service report;~~ ~~(xxvii) heritage impact study.~~
3.	**Part VI - Implementation** **Section 1.3 g)** Qualified Persons and Peer Reviews	Delete section 1.3 g), as follows: ~~c) All required reports and technical studies shall be carried out by Qualified Persons retained by and at the expense of the applicant. The City may require a peer review of any report or study by an appropriate public agency or a professional consultant retained by the City at the applicant's expense. In addition to City requirements, the applicant shall ensure that all additional requirements as set out in the Region of Halton Official Plan are addressed.~~
4.	**Part VI - Implementation** **Section 1.3 h)**	Delete section 1.3 h), as follows: ~~d) An application for an Official Plan Amendment, Zoning By-law amendment, plan of subdivision or~~

	Complete Applications	~~consent will be considered complete under The Planning Act only when the items as determined by the City and Region, as listed in clause f), have been provided, and when the required notice sign referenced in Part VI, Section 7.2 of this Plan has been erected on the property.~~
5.	**Part VI - Implementation** **Section 1.3 i)** Incomplete Applications	Delete section 1.3 i), as follows: ~~e) In the absence of pre-submission consultation between an applicant and the City, and the submission of adequate supporting information or material with an application, City Council may deem an application incomplete and may refuse the application.~~
6.	**Part VI - Implementation** **Section 1.4 a)** Pre-consultation	Insert section 1.4 a), as follows: **a)** ***Development* proponents *shall* be required to meet with City staff through a formal pre-consultation to obtain the requirements related to complete *development applications* in advance of their application submission.**
7.	**Part VI - Implementation** **Section 1.4 b)** Required Pre-Consultation	Insert section 1.4 b), as follows: **b) The City *shall* require that adequate pre-consultation occurs prior to the submission of a *development application* and will *encourage* pre-consultation with other affected agencies, where appropriate. Within areas subject to the Niagara Escarpment Plan and Development Control, proponents will be *encouraged* to contact the Niagara Escarpment Commission to discuss permitted uses and *development* criteria.**
8.	**Part VI - Implementation** **Section 1.4 c)** Pre-Application Community Meeting	Insert section 1.4 c), as follows: **c) The City *may* require *development* proponents to hold a community meeting in advance of a formal *development application* in order to obtain additional information needed to process the *development application*.**
9.	**Part VI - Implementation**	Insert section 1.4 d), as follows:

	Section 1.4 d) Supporting Information / Material	**d)** **For an application for Official Plan Amendment, Zoning By-law Amendment, Plan of Subdivision, Site Plan, or Consent, the City *shall* require the provision of additional supporting information or material in accordance with the applicable Terms of Reference, where applicable, to allow full consideration of the application. The scope of the information or material required for each application shall be determined by the City and affected agencies as part of the pre-consultation process. This information may include, but shall not be limited to, the information contained in Part VII – Table 3 of this Plan.**
10.	**Part VI - Implementation** **Section 1.4 e)** Qualified Persons and Peer Reviews	Insert section 1.4 e), as follows: **e)** **All required reports and technical studies *shall* be carried out by *qualified persons* retained by and at the expense of the applicant. Where appropriate, the City will require a peer review of any report or study by an appropriate public authority or a *qualified person* retained by the City at the applicant's expense. In addition to City requirements, the applicant *shall* ensure that all additional requirements as set out in the Region of Halton Official Plan are addressed.**
11.	**Part VI - Implementation** **Section 1.4 f)** Complete Applications	Insert section 1.4 f), as follows: **f)** **An application for an Official Plan Amendment, Zoning By-law amendment, Plan of Subdivision, Site Plan, or Consent *shall* be considered complete under The Planning Act only when the information and material as determined by the City and affected agencies in clause d) above, have been provided.**
12.	**Part VI - Implementation** **Section 1.4 g)** Incomplete Applications	Insert section 1.4 g), as follows: **g)** **In the absence of pre-consultation between an applicant and the City, and/or the absence of adequate supporting information or material required to consider a *development application*, the City *shall* deem an application incomplete and *may* refuse the *development application*.**

13.	**Part VI - Implementation** **Section 7.2 c) (ii)** Preliminary Notification	Amend section 7.2 c) (ii), as follows: ii) a preliminary notification of the application for amendment(s) to the Official Plan or Zoning By-law and/or a plan of subdivision, including basic details, *may* be **<u>provided</u>** ~~given at least 30 days~~ prior to the Council meeting to consider **<u>a recommendation on</u>** ~~approval of~~ the proposed amendment(s) and/or subdivision. For site specific amendments and subdivisions the preliminary notification *shall* be sent by prepaid first class mail or personal service to every owner of land within 120 m of the subject area, within the Urban Planning Area boundary as outlined on Schedule B, and within 300 m of the subject area within the Rural Planning Area boundary as outlined on Schedule C and the North Aldershot Planning Area as outlined on Schedule D, and *may* be sent to every tenant. For amendments that generally apply to the City, a notice *shall* be placed in a local newspaper approved by the City Clerk, that has a general circulation in the area.
14.	**Part VI - Implementation** **Section 7.2 c) (iv)** Notice of Public Meeting	Amend section 7.2 c) (iv), as follows: iv) notice of a public meeting to inform and obtain comments from the public *shall* be given at least ~~14~~ **<u>20</u>** days prior to the date of the meeting~~, when a preliminary public notification has been given~~. ~~When this preliminary public notification has not been given, notice of the public meeting shall be given at least 30 days prior to the date of the meeting.~~ For an Official Plan or Zoning By-law amendment that applies generally to the City, notice of the public meeting *shall* be placed in the local newspaper. For a site specific amendment or a plan of subdivision, notice of this public meeting *shall* be placed in a local newspaper and/or sent by mail or personal service to every owner of land within 120 m of the subject area, within the Urban Planning Area boundary as outlined on Schedule B, and within 300 m of the subject area within the Rural Planning Area boundary as outlined on Schedule C and the North Aldershot Planning Area as outlined

		on Schedule D, and *may* be sent to every tenant and to any parties who have requested notification of any meetings on this particular matter, provided the request is received before notices are issued. Notice of a public meeting *shall* include, where applicable, information regarding the power of the Ontario **Land Tribunal** ~~Municipal Board~~ to dismiss an appeal if an appellant has not provided Council with oral submissions at a public meeting or written submissions before a plan is adopted or a by-law is passed;
15.	**Part VI - Implementation** **Section 7.2 c) (v)** Statutory Public Meeting	Amend section 7.2 c) (v), as follows: v) at least one public meeting *shall* be held by the Committee of Council to inform and obtain comments from the public. ~~In the case of a Plan amendment, adequate time *may* be allowed after the public meeting for staff to analyze all public comments before the staff report and the proposed amendment is dealt with by Council, except in the case of a housekeeping amendment or an amendment for which there is no public interest.~~ No public interest *shall* be interpreted when no written objections to the proposed amendment are received prior to the public meeting and no verbal objections to the proposed amendment are made at the public meeting. In the case of a**n Official Plan amendment,** Zoning By-law amendment and/or plan of subdivision~~, or where it is determined that adequate time has been provided for analysis of the comments on an Official Plan Amendment~~, a decision and recommendation to Council on the approval of the application *may* be made by the Committee at the meeting, if appropriate.

1.4 Schedules and Tables Change:

Part VII: 'Schedules and Tables' of the Official Plan of the Burlington Planning Area, as amended, is hereby amended by adding the following table as 'Table 3':

Council – Adopted Complete Application Materials
Application Items
Community Planning

Application Form
Application Fee
Response to staff comments received at pre-consultation
Site Plan
Survey and Severance Sketch • Prepared by an Ontario Land Surveyor. • Showing the location and setbacks of the proposed building and any encroachments. • Showing the location of all jurisdictional setbacks, including but not limited to Ministry of Transportation, Conservation Halton, railways and pipelines. • Showing the location of trees / tree trunks relative to property lines • Provide title search/PIN report for the lands. • Including copies of any agreements on title to confirm there are no obligations on the lands.
Land Assembly Documents • Including application address.
Reference Plans
Floor Plan
Architectural Elevations
Outdoor Storage/Screening Details
Bicycle Rack Details
Fencing Details
AutoCAD File of Site Plan
3-D model of proposed buildings
Common Element Condo Plan (when applicable)
Burlington Urban Design Advisory Panel (BUD) comments • Including applicant response to the BUD comments.
Urban design brief Demonstrating compliance with applicable urban design guidelines and policies
Sustainable Building and Development Guidelines Checklist
Phasing strategy and plans
Demonstrated compliance with the Zoning By-law
Details of any proposed outdoor garbage storage and communal recycling containers • Including any screening of the outdoor facilities.
Details of all rooftop mechanical equipment. • Rooftop equipment less than 1.2m in height to be painted in a neutral colour to blend in with the building. • Rooftop equipment 1.2m in height or greater shall be screened from view from all sides.
8 ½ x 11 reduced site plan drawing clearly denoting the designated fire access routes for sign designation and record purposes.
Heritage Impact Study
Cultural Heritage Landscape Impact Assessment
Archaeological report
Planning justification report Including employment or residential needs analysis, where required
Land use compatibility study

Retail and service commercial needs assessment
Financial impact study
Housing impact statement
Park concept plan
Agricultural impact assessment (AIA)
Social impact assessment
Height survey of adjacent buildings
Angular plane study
Shadow analysis plan
Wind impact study
Parking justification report
Landfill assessment
Public Consultation Strategy
Response to comments received at a community meeting held in advance of a formal development application
Comprehensive block plan
Tenant relocation and assistance plan
Environmental Impact Assessment (EIA)
Letter of reliance for the Complete Application Materials, extending reliance on any studies to the City of Burlington and the Region of Halton.
Transportation Services
Transportation Impact Study
Transportation Demand Management Plan and implementation strategy
Pavement Marking and Signage Plan
Letter of reliance for the Complete Application Materials, extending reliance on any studies to the City of Burlington and the Region of Halton.
Landscape / Forestry
Response matrix for previous pre-consultation comments
Landscape Plan • Showing the location and setbacks of the proposed building and any encroachments. • Showing the location of all jurisdictional setbacks, including but not limited to Ministry of Transportation, Conservation Halton, railways and pipelines. • Showing the location of trees / tree trunks relative to property lines
Landscape Cost Estimate for all works as proposed on the Landscape Plans
Tree Protection Plan in accordance with the City's Tree Protection and Preservation Specification SS12A (as amended) • The Tree Protection Plan must be to scale and illustrate the trees inventoried and include existing and proposed elements. This plan shall be coordinated with other civil drawings
Arborists Report • Including but not limited to preservation methods and justification for impacts (e.g., removals) with specific details for each individual tree

Tree Inventory • The tree inventory shall include all public trees of all sizes, and all private trees 10cm in diameter or greater for the subject lot and with 6m of the lot boundary, DBH, species, ownership, condition ratings, recommendations, tree protection zones, and comments
Letter of consent for removal and/or impact to trees not solely owned by applicant (e.g., boundary trees and/or neighbouring trees).
Letter of reliance for the Complete Application Materials, extending reliance on any studies to the City of Burlington and the Region of Halton.
Engineering Services
Response Matrix for previous pre-consultation comments
Region of Halton Environmental Site Screening Questionnaire
Phase One Environmental Site Assessment, in accordance with O. Reg. 153/04, as amended
Phase Two Environmental Site Assessment, in accordance with O. Reg. 153/04, as amended
Remedial Action Plan • Including assessment of the subject lands and any impacted offsite lands
Ministry of the Environment, Conservation and Parks approved Record of Site Condition
Ministry of the Environment, Conservation and Parks approved Certificate of Property Use
Geotechnical Investigation
Hydrogeological Assessment • Including assessment water taking activities, in accordance with Ministry of the Environment, Conservation and Parks' requirements
Dewatering Assessment • Including groundwater dewatering monitoring and mitigation program for potential settlements • Including dewatering discharge plan for both short-term (during construction) and permanent (post-construction) discharge • Including a sampling plan to ensure compliance with the City's Storm Sewer Discharge By-Law, as amended.
Functional Servicing and Drainage Report • In accordance with City and Region of Halton requirements • Including Conceptual Site Servicing and Conceptual Site Grading Plan, which include: ▪ The location and setbacks of the proposed building and any encroachments. ▪ The location of all jurisdictional setbacks, including but not limited to Ministry of Transportation, Conservation Halton, railways and pipelines. ▪ he location of trees / tree trunks relative to property lines
Stormwater Management Report
Top-of-bank Demarcation/ Slope Stability Assessment/ Creek Erosion Assessment/ Geomorphic Study
Channelization and/or Floodplain Analysis
Shoreline Hazardous Lands Studies
Source Protection Disclosure Report
Environmental Noise & Vibration Feasibility Study • In accordance with Ministry of the Environment, Conservation and Parks' guidelines and

City and Region of Halton requirements • Including but not limited to an assessment of any existing offsite stationary noise sources/impacts and any necessary mitigation
Detailed Environmental Noise & Vibration Study • In accordance with Ministry of the Environment, Conservation and Parks' guidelines and City and Region of Halton requirements • Including but not limited to an assessment of any proposed outdoor mechanical equipment and any necessary mitigation
Shoring System Design Brief • Including shoring system drawings and details • Including confirmation that all elements of the underground parking structure (including but not limited to foundation walls, foundation drainage system, shoring system, etc.) are located within the limits of the subject property.
Letter of consent for required encroachments onto lands not solely owned by applicant (e.g., shoring system tie-backs)
Site Servicing Plan • Showing the location and setbacks of the proposed building and any encroachments. • Showing the location of all jurisdictional setbacks, including but not limited to Ministry of Transportation, Conservation Halton, railways and pipelines. • Showing the location of trees / tree trunks relative to property lines
Site Grading Plan • Showing the location and setbacks of the proposed building and any encroachments. • Showing the location of all jurisdictional setbacks, including but not limited to Ministry of Transportation, Conservation Halton, railways and pipelines. • Showing the location of trees / tree trunks relative to property lines
Erosion and Sediment Control Plan and Details • Showing the location and setbacks of the proposed building and any encroachments. • Showing the location of all jurisdictional setbacks, including but not limited to Ministry of Transportation, Conservation Halton, railways and pipelines. • Showing the location of trees / tree trunks relative to property lines
Notes and Details Plan • Including City and Region of Halton standard drawings and details, as required
Outdoor Lighting Photometrics Plan and Details
Utility Coordination Plan • Showing the location and setbacks of the proposed building and any encroachments. • Showing the location of all jurisdictional setbacks, including but not limited to Ministry of Transportation, Conservation Halton, railways and pipelines. • Showing the location of trees / tree trunks relative to property lines
Construction & Mobility Management Plan and details
Written confirmation from the Geotechnical Engineer that they have reviewed the architectural and engineering drawings, including but not limited to those for civil, structural and mechanical works, and confirm that their geotechnical recommendations have been incorporated into the architectural and engineering drawings.
Written confirmation from the Hydrogeologist that they have reviewed the architectural and

engineering drawings, including but not limited to those for civil, structural and mechanical works, and confirm that their hydrogeological recommendations have been incorporated into the architectural and engineering drawings.
Written confirmation from the Hydrogeologist which identifies adjacent structures, services and/or municipal infrastructure located within the zone of influence for groundwater dewatering and any potential settlement which may be considered unacceptable.
Written confirmation from the civil engineering consultant that they have reviewed the architectural, landscape and engineering drawings, including but not limited to those for structural and mechanical works, and confirm that their civil design and recommendations have been incorporated into the architectural, landscape and engineering drawings and do not conflict with the provisions of the other drawings.
Written confirmation by a qualified acoustical consultant that the recommended noise control measures from the approved Detailed Environmental Noise & Vibration Study have been incorporated into the builder's plans.
Written confirmation from a qualified vibration consultant of study limits and locations for vibration monitoring during construction. • Including written confirmation from adjacent property owners for vibration monitors that are to be located offsite. • Including written confirmation of completed precondition surveys of surrounding structures, including but not limited to those for buried utilities (e.g. existing watermains, gas mains, storm sewers and sanitary sewers). • Including written acknowledgement that any issues/claims due to construction vibration shall be a civil matter between the developer and the other party.
Letter of reliance for the Complete Application Materials, extending reliance on any studies to the City of Burlington and the Region of Halton.

2. INTERPRETATION

This Official Plan Amendment shall be interpreted in accordance with the "Interpretation" policies of Part VI, Implementation, Section 3.0, Interpretation, of the Official Plan of the Burlington Planning Area.

3. IMPLEMENTATION

This Official Plan Amendment will be implemented in accordance with the appropriate "Implementation" policies of Part VI of the Official Plan of the Burlington Planning Area.

Bill 109: Consolidated Approach & Response

CPRM Committee

December 6, 2022

Background

- In March 2022 – Province introduced *More Homes for Everyone Act, 2022.* Focus on accelerating development application review timelines.

	Refund by Processing Days			
Application Type	**No Refund**	**50% Refund**	**75% Refund**	**100% Refund**
ZBA	90	91	150	210
OPA/ZBA	120	121	180	240
Site Plan	60	61	90	120

- Approximately **$2 million** in reoccurring annual application fees are at risk if applications are not processed within legislated timelines

Refund Example

Proposal for:

- Tall building
- 475 residential units
- Retail / commercial at grade

	Refund by Processing Days			
Application Type	**No Refund** (within 120 days)	**50% Refund** (121 - 179 days)	**75% Refund** (180 - 239 days)	**100% Refund** (240+ days)
OPA/ZBA (Refund only applies to ZBA)	$0	$88,123	$132,185	$176,247

	Refund by Processing Days			
Application Type	**No Refund** (within 60 days)	**50% Refund** (61 -89 days)	**75% Refund** (90 - 119 days)	**100% Refund** (120+ days)
Site Plan	$0	$60,313	$90,469	$120,626

Implications of Bill 109:

- Potential for less public engagement
- External agencies: Conservation Halton, MTO, railways, utilities, etc. may need to amend review processes to allow for timely municipal decisions
- Process changes will be required – status quo will not suffice
- Prioritization of files subject to Bill 109 over those that are not:
  - Prioritize rezoning and site plan files over other application types (ex. Subdivision, Committee of Adjustment)
  - Prioritize Rezoning & Site Plan files submitted after Bill 109 effective date over those submitted prior

Corporate Implications of Bill 109:

- **Financial**
  - application fees are not a revenue generator – cost recovery mechanism
  - increase in OLT appeals – further costs incurred to the City that are not covered by application fees
- **Staff Resources**
  - additional staff resources likely required in Development Services (Community Planning, Engineering Services, Transportation, etc.) to meet timelines
  - increase in OLT appeals – may require additional staff resources (Legal, etc.)
- **Clerks**
  - may need flexible Committee / Council meeting schedules to meet timelines

Key Principles & Objectives:

- Ensure active and meaningful citizen engagement throughout the planning and decision making processes
- Minimize, to the extent possible, the need to issue application fee refunds
- Develop a consistent, predictable approach to processing development applications across the Region with nuanced differences to reflect local considerations
- Encourage a ‘path to success’ approach for the development industry through enhanced pre-consultation

CITY OF Burlington

Response to Bill 109

- Regional approach to processing development applications
- Streamlining the application review process
- Consultation with various internal / external stakeholders (internal staff, external agencies, development industry, etc.)
- Watch for Province to issue Bill 109 Reg's and revise approach, as needed
- Post Jan. 1, 2023 – assess, monitor and revise approach as needed

Response to Bill 109 continued…

- **Pre-Application Phase:**
  - Mandatory Pre-Consultation, Pre-Application Community Meeting, Urban Design Review
  - Voluntary Pre-Submission Technical Review (Path to Success)
- **Application Phase:**
  - Unbundling of applications (i.e. ZBLA & Site Plan), Provide recommendation on initial submission, combined Statutory Public Meeting & Recommendation report
  - Streamline site plan review to focus on matters outlined in the *Planning Act*
- **Post-Application Phase:**
  - Expanded Use of Holding Provisions, standardize site plan conditions across the Region
  - 'Applicable law' matters to be dealt with outside of *Planning Act* application process

Recommendation:

- Endorse the approach to implement the Provincially mandated changes resulting from Bill 109 as outlined in community planning department report PL-69-22; and

- Approve Official Plan Amendment No. 130 to the City of Burlington Official Plan, as provided in Appendix A of community planning department report PL-69-22, to implement Bill 109 legislation; and

- Deem that Section 17(21) of The Planning Act has been met; and

- Instruct the City Clerk to prepare the necessary by-law adopting Official Plan Amendment No. 130, as contained in Appendix A of community planning department report PL-69-22.

December 5, 2022

Mayor Marianne Meed Ward and Members of Council
City of Burlington
426 Brant St.
Burlington, ON
L7R 3Z6

Sent via email to clerks@burlington.ca

RE: CITY OF BURLINGTON RESPONSE TO BILL 109 AND AMENDMENTS TO THE PLANNING ACT.

Statutory Public Meeting and Recommendation for a City-initiated Official Plan Amendment and Approach in Response to Bill 109 "More Homes for Everyone Act, 2022"

The Building Industry and Land Development Association (BILD) is in receipt of staff report PL-69-22 *City-initiated Official Plan Amendment and Approach in Response to Bill 109 "More Homes for Everyone Act, 2022,* as presented on the December 6th Community Planning, Regulation and Community committee agenda*.* We acknowledge that following this meeting this report will go to Council for adoption.

On behalf of our Halton Chapter members, BILD appreciates the opportunity to provide the following comments regarding this work.

Reflecting on *Bill 109, More Homes for Everyone Act, 2022*

We acknowledge that the purpose of *Bill 109, More Homes for Everyone Act, 2022* is to increase housing supply and choice for families and individuals across the province. According to the provincial government, Bill 109 is an attempt to implement some of the Housing Affordability Task Force's recommendations, as outlined in a report released in February this year. We also understand that we all have a role to play to ensure that the true intentions of this Bill are carried forward correctly.

The key amendment we are addressing through this correspondence is the proposed changes to the approval process for zoning by-law amendment and site plan applications, which would require municipalities to refund application fees on a graduated basis (i.e. 50%, 75% or 100% depending on the number of days following the application) if a decision is not made within the legislative timelines. This change would apply to applications made on or after the Province's extended timeline of July 1, 2023. The intent of this change is to incentivize municipalities to make timely decisions.

General Sentiments of the Legislative Timelines Amendment

BILD and our members recognize the pressure that this amendment creates for municipalities to uphold the legislative timelines that have lengthen over the years. We also recognize that BILD members too have a role to play to be in keeping with the timelines by being timely with their responses to application comments and other requests for information. With this amendment, both the industry and the municipalities have a collective interest to meet the timelines; developers' project proformas are based on municipal timelines as well, and any delay in the approval process can result in carrying costs incurred by our members and violations associated to purchase and sale agreements.

BILD's Response to the City of Burlington's Approach

As identified in the aforementioned staff report, and something that has been explored by some municipalities is that approach to frontload substantive issues that are identified in the project proposal prior to deeming an application complete. This also means that an applicant must ensure that a development application is complete prior to the start of the 'clock' of the legislative timeline. BILD and its members believe that parsing out large segments of the development application process before allowing the 'clock' to start on the legislative timelines is not in keeping with the spirit and intent of the legislation. It effectively removes the bulk of the process that would take the majority of the time to address in a typical development application.

As part of Bill 109, municipalities must adhere to the legislative timelines for the approval of a development application. As a matter of law, any policies or procedures that aim to circumvent or delay the typical timeline should be avoided. That means that municipalities must ensure that the application timeline is triggered once an application has been submitted. It also means that delaying the date that the clock starts on an application, through the pre-application or otherwise should also be avoided.

With respect to the proposed additional public engagement, BILD agrees that public engagement is critical to the development review and approval process. Many of our members across the GTA already conduct early consultation and feedback prior to the submission of a formal application. However, any extra-statutory pre-application consultation must remain voluntary, as a municipality cannot use this process as a means to prevent the lawful submission of an application and the commencement of applicable review periods under *the Planning Act.*

With respect to these themes, please find the enclosed correspondence from Cassels regarding the municipal implementation of Bill 109 on the topics of pre-application, complete application requirements and potential waivers.

Additional Considerations

Prioritizing Applications Submitted after July 1, 2023

BILD is concerned with the City's interpretation that an implication of Bill 109 would be that any application submitted after July 1, 2023 or an application not subject to the refund regime would be prioritized over existing applications already submitted to the City. Any application, whether it is subject to a refund or not, must be reviewed in the order they were submitted provided that developers are paying fees with the expectation that equal service will be provided. The City must investigate a more meaningful way to review all applications types.

Development Application Review Fees

We acknowledge that the City will undertake a review of Planning Application fees for 2023. As previously communicated to staff, BILD looks forward to the continued engagement with the City throughout this review.

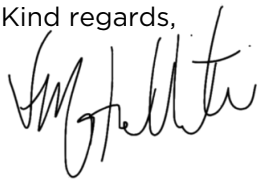
Final Sentiments

In 2021 and 2022, BILD and Mayor Meed Ward successfully hosted leadership meetings where we met as partners in prosperity and community building. Our goal was successful, and together we developed a forum of collaboration and transparency. We hope to continue these meetings in the new year.

As an industry, we would like to move forward with all our municipal partners to create a system of enhanced trust and collaboration to develop a transparent and cooperative development application process that works for all parties. Understanding that this is a seismic shift in process, it will take some time to identify best practices and create efficiencies. Some initial thoughts in this regard are to pre-qualify consultants such that there would only need to be cursory review of submitted materials and limiting council override on professional recommendations. The City's Terms of Reference exercise may lend itself to this effort.

We hope these process changes will be the start of new way of thinking and working together that will benefit current and future generations. Thank you again for the opportunity to submit these comments. We trust that you will take them into careful consideration and we look forward to the outcome of this work.

Kind regards,



Victoria Mortelliti, RPP, MCIP
Manager of Policy & Advocacy

CC: Kevin Singh, BILD Halton Co-Chair
Shane Cooney, BILD Halton Co-Chair
Paula Tenuta, SVP, BILD
Danielle Binder, Director, BILD
Members of the BILD Halton Chapter

***

The Building Industry and Land Development Association is an advocacy and educational group representing the building, land development and professional renovation industry in the Greater Toronto Area. BILD is the largest home builders' association in Canada, and is affiliated with the Ontario Home Builders' Association and the Canadian Home Builders' Association. It's 1,500 member companies consists not only of direct industry participants but also of supporting companies such as financial and professional service organizations, trade contractors, as well as manufacturers and suppliers of home-related products.

Cassels

December 2, 2022

sleisk@cassels.com
Tel: +1 416 869 5411
Fax: +1 416 640 3218
File: 51989-3

Danielle Binder
Director, Policy & Advocacy
Building Industry and Land Development Association
20 Upjohn Road
Suite 100
Toronto, ON M3B 2V9

Dear Ms. Binder,

Re: Bill 109 Implementation and the Pre-Application Process

You have asked us to consider generally the amendments to the pre-application consultation process a number of municipalities are proposing in response to Bill 109, *The More Homes for Everyone Act, 2022*. Commencing January 1, 2023, an increasing portion of application fees will be refundable if a municipality fails to make a decision within the applicable statutory timelines. We understand a number of municipalities are considering an enhanced pre-application process of detailed submissions, technical review and comment, and broader councillor and community engagement, prior to submission of an application under the *Planning Act* and the commencement of the statutory review period.

Bill 109 represents the first step in the Province's implementation of the recommendations of the Ontario Housing Affordability Task Force Report, meant to reduce overall cost, delay and cut red tape to achieve the goal of delivering 1.5 million new homes over the next 10 years. The clear purpose of the amendments is to encourage faster decisions to facilitate the delivery of housing.

We anticipate that enhanced consultation and cooperation between applicants and a municipality will be required in order to meet the timeframes imposed by the *Planning Act*, and that in many cases, applicants would prefer continued collaboration rather than a refusal and the need to pursue appeals to the Ontario Land Tribunal. There may be many applicants who will welcome early consultation and feedback prior to submission of a formal application. However, in our view, any such extra-statutory pre-application process must remain voluntary and a municipality cannot use this process as a means to prevent the lawful submission of an application and the commencement of the applicable review periods under the *Planning Act*.

Limits to the requirement to consult

Applicants have a statutory right to submit development applications to the applicable authority and to have these considered in accordance with the *Planning Act*, as well as other applicable policy and legislation. The only statutory pre-condition that a municipality may impose is a requirement to consult with the municipality prior to the submission of an application. In our view, the ordinary meaning of "consult" must be applied to determine the scope of permissible

pre-application requirements, commonly defined as seeking information and advice from another. Accordingly, the purpose and intent of this pre-application step is for municipalities to provide preliminary direction and advice in advance of the submission of a formal application and the commencement of the statutory review process and in our view does not include the ability to impose a non-statutory pre-application regime outside of the *Planning Act* or to otherwise prevent an applicant from exercising its statutory right to make an application.

Further, it is our view that the authority to require mandatory consultation with a municipality or planning board does not extend to mandatory consultation with review agencies, members of the public, or other persons and public bodies. The *Planning Act* has established these as municipal requirements and neither a plain and ordinary meaning or purposive interpretation of the *Planning Act* supports the imposition of additional requirements through the consultation process.

As stated by the then Ontario Municipal Board in *Top of the Tree Developments Inc*, *Re,* 2007 CarswellOnt 7921:

> Yes, a Municipality can surely demand for materials and the information in the course of an evaluation of an application at any given time. There is and never was a legislative impediment for it to do so via its policy in an Official Plan. But the Municipality cannot demand it for the purpose of a complete application, and only pursuant to some tangential policy.

Limits on complete application requirements

While municipalities have the authority to require "other information and material" beyond the requirements prescribed under the *Planning Act*, such additional requirements for complete applications must be contained in adopted and in force official plan policies. Importantly, such requirements are limited to the submission of "information or material" and not a means to impose additional steps or processes, such as peer reviews or consultation, that a municipality does not have authority to impose directly.

Waiver Agreements

A number of municipalities have proposed a form of agreement for the withdrawal and resubmission of an application prior to the expiry of the legislated review period. In our view, while an agreement will not be enforceable to override statutory consequences, a voluntary agreement to withdraw an application in advance of a refund deadline may be possible, together with associated amendments to any applicable fee by-laws. However, we caution that the withdrawal and resubmission of an application will have significant implications under various statutes beyond the *Planning Act*, including but not limited to the *Ontario Heritage Act* and *Development Charges Act 1997*, that parties should be mindful of.

In summary, in our view, the establishment of additional mandatory requirements for submissions and engagement before otherwise valid applications will be received by a municipality for the purpose of preventing the statutory review period under the *Planning Act*

from commencing is contrary to the purpose and intent of the *Planning Act*, as amended, and beyond the authority of municipalities in Ontario and may be subject to judicial review.

We trust the foregoing is sufficient for your purposes. We would be pleased to respond to any further questions or concerns.

Yours truly,

Cassels Brock & Blackwell LLP

Signe Leisk
Partner

SL/AP

CPRM December 6, 2022
PL-69-22
Correspondence from WE HBA

West End Home Builders' Association
1112 Rymal Road East, Hamilton
Serving members in Hamilton and Halton Region

December 6, 2022

To:
Members of Community Planning Regulation and Mobility Committee
City of Burlington
426 Brant St

WE HBA Comments on Statutory Public Meeting and Recommendation for a City Initiated Official Plan Amendment and Approach in Response to Bill 109 "More Homes for Everyone Act, 2022"

The West End Home Builders' Association (WE HBA) is pleased to be engaged in discussions on the City of Burlington's Official Plan Amendments to implement Bill 109. As key stakeholders and partners to the City of City of Burlington, the means through which Burlington implements this key provincial legislation has a significant impact on how our members deliver new housing supply. In a time where the CMHC,[1] the federal government,[2] the provincial government[3], and the City of Burlington[4] have all agreed there is a need for significantly more new housing supply to resolve Ontario's housing crisis, the City of Burlington must seize the opportunity brought forward by this legislative piece to streamline planning approvals. This involves setting the framework to enable our members to bring new housing supply of all types and tenures online in an expedited fashion. Open communication and transparency are of crucial importance as we work together to resolve the crisis we find ourselves in.

Importantly, WE HBA requests the City of Burlington defer the approval of this report and Official Plan Amendments to allow for further discussion and a workshop meeting with the development industry and City Staff to resolve industry concerns. The Ministry of Municipal Affairs and Housing has announced its intention to delay implementation of Bill 109's fee refunding from **January 1st, 2023 to July 1st, 2023 to allow additional time to get this process right** and accelerate the issuance of housing permits and approvals.[5] With the proposed additional time, and given the City of Burlington's Housing Strategy looked at ways to support reducing red tape and incentivizing an increase in housing supply,[6] we believe Bill 109 provides a key opportunity to work together to streamline planning approvals in Burlington. WE HBA is requesting an iterative process to Bill 109 implementation whereby the community, applicants, city departments, and external agencies collaborate to find solutions to speed

[1] "Housing Shortages in Canada: Solving the Affordability Crisis" Cmhc-schl.gc.ca, June 23, 2022. https://www.cmhc-schl.gc.ca/en/professionals/housing-markets-data-and-research/housing-research/research-reports/accelerate-supply/housing-shortages-canada-solving-affordability-crisis.
[2] "Making Housing More Affordable" Government of Canada Budget 2022, April 7, 2022. https://budget.gc.ca/2022/report-rapport/chap1-en.html.
[3] "Report of the Ontario Housing Affordability Task Force" Ministry of Municipal Affairs and Housing, February 8, 2022. https://files.ontario.ca/mmah-housing-affordability-task-force-report-en-2022-02-07-v2.pdf.
[4] "The Corporation of the City of Burlington Housing Strategy" City of Burlington, May 20, 2022. https://www.getinvolvedburlington.ca/19458/widgets/77428/documents/82411
[5] "Letter from Minister Clark to the Ontario's Big City Mayors" Ministry of Municipal Affairs and Housing, November 30, 2022.
[6] "The Corporation of the City of Burlington Housing Strategy" City of Burlington, May 20, 2022. https://www.getinvolvedburlington.ca/19458/widgets/77428/documents/82411

up the approvals process. We request fulsome industry consultation to avoid outcomes from these policy changes that would slow down the process, delaying the delivery of keys to new homeowners.

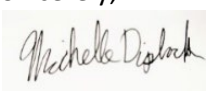
As it stands now, WE HBA has significant concerns about the process changes proposed. The mandatory pre-consultation process being required prior to deeming an application complete, and the addition of policy language to the Official Plan suggesting Staff can now refuse a development application they deem incomplete may be unlawful. Furthermore, the proposed decoupling of combined applications runs contrary to the spirit of the *More Homes for Everyone* legislation as it will actually increase the amount of staff and processing time required for a single development application.

We appreciate that through this process, Staff have identified the opportunity that Bill 13 presents. WE HBA supported Bill 13, and we recommend that Bill 13 and the use of "delegated authority" be combined with Burlington's response to Bill 109. This is an opportunity that now exists given the indicated delay of implementation of the fee refunding until July 2023. This would directly contribute to the stated goals of continued business process improvements. Furthermore, we believe there is certainly opportunity for technological enhancements to improve service delivery across Development Services. These opportunities should form the basis of industry consultation in addition to Bill 109.

WE HBA recognizes the challenge the shifting provincial planning framework to accommodate significant population growth is having on our municipal partners, as they rapidly respond to changing provincial guidance as well as continue to help our members move through the approvals process to deliver much needed housing supply. As we experience these growing pains, collaboration is of the utmost importance. We believe the implementation of Bill 109 provides an opportunity to collaborate with open and transparent industry participation in the development of new planning processes. We would be pleased to participate in a working meeting with a few of our members to have a deep dive discussion on how to improve processes.

Finally, the private market is responsible for providing homes for 80% of all Canadians,[7] and by extension Burlingtonians. Right now, there are significant housing market distortions where young families, newcomers and young people are driving further and further outside our urban centre to find a home that meets their needs due to a lack of available housing supply. This problem is one of the key reasons the Provincial Government saw a need for urgent provincial intervention in the municipal approvals process, and brought forward Bill 109, the *More Homes for Everyone Act*. Decisions made today have cumulative long-term effects on the supply and cost to deliver new homes. WE HBA appreciates our working relationship with the City as collaboration between the industry and the City of Burlington is of the utmost importance.

Sincerely,



Michelle Diplock, RPP, MPl
Manager of Planning and Government Relations
West End Home Builders' Association

[7] "About-Affordable-Housing-In-Canada." Cmhc-schl.gc.ca, March 31, 2018. https://www.cmhc-schl.gc.ca/en/professionals/industry-innovation-and-leadership/industry-expertise/affordable-housing/about-affordable-housing/affordable-housing-in-canada.

SUBJECT: Burlington Economic Development Performance and Strategy Update

TO: Community Planning, Regulation & Mobility Cttee.

FROM: Burlington Economic Development

Report Number: ECDEV-02-22

Wards Affected: all

File Numbers: 150

Date to Committee: December 6, 2022

Date to Council: December 13, 2022

Recommendation:

Receive and file Burlington Economic Development report ECDEV-02-22 regarding Burlington Economic Development Performance and Strategy Update.

PURPOSE:

Vision to Focus Alignment:

- Increase economic prosperity and community responsive city growth
- Improve integrated city mobility
- Deliver customer centric services with a focus on efficiency and technology transformation

Background and Discussion:

Burlington Economic development supports businesses to locate, start and grow in Burlington. Through coordinated strategic planning the Burlington Economic Development Strategic Plan 2018-22 and From Vision to Focus provide a commitment to Economic prosperity by:

1. Supporting and maintaining a diverse economy in small business, commercial, industrial, office and academic sectors
2. Creating a competitive business investment environment in Burlington
3. Increasing options for employment opportunities

During 2021 Burlington Economic Development continued to focus on supporting businesses through the changing economic environment of the pandemic. Attached as appendix A is Burlington Economic Development's 2021 Annual Report detailing key economic statistics and significant business community milestones in 2021. In addition in 2021 we celebrated 5 years of TechPlace Burlington's innovation centre. At our first open house in September 2022, since the pandemic, we welcomed over 100 guests to share the results of TechPlace from 2017-2022. Key results for TechPlace are detailed in the 5 year impact report attached as appendix B. This includes welcoming over 6,000 visitors, hosting over 200 events to support entrepreneurs and supporting over $48 Million in revenue generation for TechPlace businesses.

In 2022 Burlington Economic Development has continued to support the recovery of main street businesses through delivering the Digital Main Street (DMS) Program and the new My Main Street Program. To date we have supported over 250 business through DMS to upgrade their digital strategy and access $2,500 grant funding. In addition the My Main Street Ambassadors have helped Burlington businesses access $400,000 in grant funding to support their business growth. We continue to leverage TechPlace to not only support Burlington's entrepreneurs but bring new high growth companies to Burlington. In August 2022, jointly with our partners at Haltech Region Innovation Centre, Innovation Factory and LatAm Startups we announced the new Acceleration+ program. Funded by an over $3 Million grant from FedDev the joint program will support over 45 new high growth companies to land in TechPlace over the next 18 months. While new investments slowed down during the pandemic we have seen business attraction activities pick up during 2022 and have renewed our focus on international partnerships to bring new companies to Burlington and raise our profile internationally. Successes in 2022 have included the recent announcement by Cultivated B of their acquisition of the 130,000 square foot former L3 Harris building in Aldershot and the promotion of Burlington at Web Summit in November 2022 where staff participated in over 40 meetings to grow our investment attraction networks and generated ten verified strong leads with interest in expanding to Canada.

Strategy/process

Since the emergence of the COVID-19 crisis, Team Burlington took a coordinated approach with Burlington's business support organizations, which includes Burlington Economic Development, Burlington Chamber of Commerce, Burlington Downtown Business Association, Aldershot Village BIA, and Tourism Burlington, in supporting businesses during COVID-19. During this challenging time, Team Burlington focused their efforts on:

1. Keeping the business community well informed as relevant and timely information became available.
2. Providing key tools/resources to support organizations during a difficult time.

3. Working closely with community partners to play a key leadership role for the business community and connecting organizations to support business.
4. Advocating for the interests of business and the provision of relief measures to ensure the viability of businesses into the future with all levels of government.
5. Developing recovery plans to support the restart of business and welcome new development

To support these coordinated efforts Team Burlington in partnership with the City of Burlington launched the Burlington Economic Recovery Network (BERN) to bring together key stakeholders and business leaders from across Burlington to develop a recovery strategy that would prepare our economy for recovery from the COVID-19 crisis. The BERN committee met in August 2022 to discuss the future of BERN. At the meeting the recommendations of Team Burlington were approved as follows "*That the Burlington Economic Recovery Network be disbanded August 2022. That the work on key focus areas be directed to the Team Burlington member organizations individually and collectively, in partnership with the City of Burlington to support economic recovery and prosperity".* Moving forward Team Burlington will be meeting regularly to coordinate long-term recovery focused on talent and competitiveness, main street businesses and tourism and hospitality.

As we move into the new term of council Burlington Economic Development will be working closely with the City of Burlington to develop a joint economic strategy for 2023-2026. Queens University Executive Decision Centre have been engaged to support Burlington Economic Development's strategic planning process for 2023 - 2026. Stakeholder engagement sessions took place in September and October 2022 and a board strategic planning session in November. All strategic planning will be integrated with the City of Burlington and we anticipate joint workshops with Council in 2023 as part of the new Vision to Focus council work plan for 2022 - 2026. In the second-half of 2023 we will coordinate with the City of Burlington to begin the project plan for the City of Burlington 2050 strategic plan and the Burlington economic vision 2035.

Financial Matters:

Not applicable

Total Financial Impact

Not applicable

Source of Funding

Not applicable

Other Resource Impacts

Not applicable

Climate Implications

Burlington Economic Development supports Burlington's Climate Action Plan by supporting:

- the attraction and retention of jobs creating more options for employment in Burlington and reducing GHG emissions associated with commuting.
- the development and intensification of Burlington' employment areas and the remediation of brownfield sites.
- creating opportunities for employment in new mixed use areas including Burlington Major Transit Station Areas (MTSAs) increasing options for people to arrive at work via more carbon positive options such as rail, bike and foot by encouraging employment development within MTSAs
- the development of complete communities that reduce individual residents and employees carbon footprints by reducing the need to use the car to live their daily lives
- new entrepreneurs to start and grow their businesses creating opportunities for residents to live and work in their community reducing commutes and GHG emissions.

Engagement Matters:

Businesses are regularly engaged by Burlington Economic Development via corporate calls, customer service requests (CSRs) and joint engagement with Team Burlington.

Conclusion:

Burlington Economic Development working jointly with the City of Burlington continues to focus on supporting our business community. As the world begins the recovery from the pandemic we look forward to working jointly with the City of Burlington to develop a new economic strategy that continues to support our business community in adapting to new economic challenges and supporting business to locate, start and grow in our community.

Respectfully submitted,

Anita Cassidy

Executive Director, Burlington Economic Development

905-332-9415

Appendices:

A. Burlington Economic Development Annual Report
B. TechPlace 5 Year Impact Report

Report Approval:

All reports are reviewed and/or approved by Department Director, the Chief Financial Officer and the Executive Director of Legal Services & Corporation Counsel.

2021 ANNUAL REPORT

Burlington
ECONOMIC DEVELOPMENT

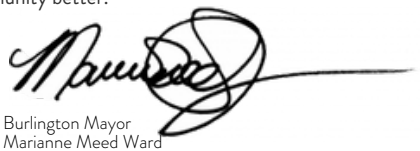
A LETTER FROM OUR MAYOR

Businesses in Burlington showed remarkable resilience and flexibility as we continued to battle the COVID-19 pandemic in 2021. They were quick and effective in how they adapted and responded in the face of a constantly shifting landscape and work environment - while continuing to see immense support from the community they serve.

The City, in partnership with the Burlington Economic Recovery Network (BERN), never rested in finding ways to support our business community. We left no stone unturned to provide support, including advocacy with upper levels of government and partner stakeholders; business grants; the distribution of free rapid COVID-19 tests, and digital support initiatives like the Digital Service Squad (DSS). The squad offered technical support to small business owners, helping them digitally transform and serve their customers effectively online. The City also offered grants of $245,000, administered through BERN, to help businesses install protective measures during COVID - the only Halton municipality to do so.

City business continued throughout the pandemic, including establishing the Burlington Lands Partnership (BLP) to focus on economic development, community amenities, and affordable/attainable-housing opportunities. Recently, the BLP provided an assessment of the opportunity for the City to purchase the former Robert Bateman High School site. That assessment supported the value to the community to proceed. The BLP also created a tool to help us assess any land purchase opportunity that comes in future, to ensure it checks one of our boxes of jobs, housing or community amenities.

I often say one of the silver linings of the past two years has been seeing how the people in our local community, businesses and organizations have come together, to collaborate and support each other. These relationships are continuing well past the pandemic and help us serve our community better.



Burlington Mayor
Marianne Meed Ward
Board Member, Burlington Economic Development

A LETTER FROM OUR BOARD CHAIR

2021 marked the second year of the COVID-19 global pandemic. Throughout every wave and lockdown, our commitment to supporting the Burlington business community was steadfast. We leaned into partnerships for stronger advocacy, administered key government programs that put non-repayable contributions in the pockets of small businesses, and we delivered on a major strategic objective that will see Brock University open its doors in Burlington.

As the COVID-19 pandemic persisted and the effects of lockdowns continued to take a toll on businesses, Burlington Economic Development (Burlington EcDev) played a leadership role in strengthening the Burlington Economic Recovery Network (BERN). This included advocating to higher levels of government for changes to restrictions that would allow more businesses to stay open. Through the Digital Mainstreet program we provided critical support to 266 businesses in 2021 alone.

We also supported the City of Burlington in activating the Burlington Lands Partnership (BLP) and through it we achieved the key goal of attracting a post-secondary institution. The announcement of Brock University's intention to relocate some of its academic programming to the Robert Bateman High School site was the culmination of years of relationship building and business case development by our team. This milestone demonstrates the active role we are playing in generating impactful economic opportunities and ensuring a prosperous future for Burlington.

Looking ahead, we will continue to work with Team Burlington to respond to concerns around the supply chain crisis, talent and supporting Main Street business. We will also continue to work with City Hall to revamp our customer service strategy. We are also celebrating 5 years of operations at TechPlace and are launching innovative programs like Acceleration+ that support innovation and entrepreneurship across the region.

I would like to thank the Board of Directors for their commitment, as well as our Executive Director and members of staff for a year defined by resilience, collaboration, and impact.

Randall Smallbone
President & CEO, Astron Connect Inc.
Board Chair, Burlington Economic Development

BY THE NUMBERS

65
NEW EXPANSIONS AND INVESTMENTS

18%
Increase from 2020

$168,317,511
Total construction value of industrial, commercial and institutional building permits

279
Number of industrial, commercial and institutional building permits approved in 2021

Number of requests for assistance received by Burlington EcDev in 2021

348

849

JOBS ADDED TO THE BURLINGTON COMMUNITY

Industrial	70%
Office	22%
Institutional	6%
Retail	2%

CENSUS UPDATE

In 2020 Statistics Canada conducted its first census since 2016. Key findings included:

186,948
Burlington's population in 2021. A 2% growth from 2016. Burlington now accounts for 31% of Halton Region's total population.

8.9%
Growth of total median household income from 2015 ($101,000) to 2020 ($110,000).

8%
Growth in working age population since 2006.

2021

Burlington Economic Recovery Network

COVID-19 continued into 2021, marking the second year of the global pandemic. The year kicked off in another provincial lock-down and Burlington EcDev forged ahead on key business supports. As a key member of the Burlington Economic Recovery Network, Burlington EcDev successfully advocated for:

- Adjustments to restrictions for retail and hospitality businesses that would ultimately allow them to stay open under some conditions.
- Renewed funding for the Digital Main Street (DMS) Future Proof program.

Digital Main Street Program

2

BUSINESSES SERVED THROUGH THE DIGITAL MAIN STREET PROGRAM

The Digital Main Street (DMS) program helped small main street businesses improve their online presence. Through squads of trained specialists, DMS assisted businesses with a number of activities, including developing a Google My Business profile, enhancing their social media presence and providing support for basic website and e-commerce set-up.

"Burlington Economic Development was very helpful to us navigating the COVID-19 pandemic, especially in the early days. Their teams assisted us in understanding and navigating through changing circumstances and new regulations as they got put into place. We worked collaboratively to make our facility and team safe. As an essential workplace it was important that we stayed operational during lockdowns and other operational challenges. We are appreciative of Burlington EcDev's continued support."

Ron Harper, President and CEO at JFE Shoji Power Canada Inc.

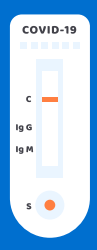
"We believe in strong partnerships with local stakeholders and are always searching for opportunities to improve. The Digital Service Squad helped us with social media support and access to additional resources. Their team was great to work with and we appreciated the extra support."

Vincent Sowa, Co-Founder at Backed By Bees

COVID-19 SUPPORTS

Continuing the momentum from 2020, Burlington EcDev continued their partnership with Burlington's other business support organizations, including the Burlington Chamber of Commerce, Burlington Downtown Business Association, Aldershot Village BIA, and Tourism Burlington to offer support and help the business community navigate the economic impacts of COVID-19.

In partnership with Team Burlington, Burlington EcDev was able to distribute free COVID-19 Rapid Antigen Screening Kits to small and medium-sized businesses in Burlington as part of Ontario's COVID-19 Rapid Screening Initiative.



117,363 Rapid COVID-19 test kits distributed to **877** Unique businesses

NEW & NOTABLE

VOILÀ BY SOBEYS

Voilà is a cutting-edge online grocery home delivery service owned by Sobeys, the second largest supermarket chain in Canada.

In 2021 their team responded to increased growth brought on by COVID-19 and expanded to Burlington adding 120 new jobs at the facility.

120 NEW JOBS

ASTOUND GROUP

60,000 SQUARE FOOT EXPANSION

ASTOUND Group is a global brand experience agency that specializes in the design and execution of memorable experiences for companies to share with their customers.

The new Burlington facility offers all fabrication services under one roof and will be able to work efficiently with any material.

The technology driven 60,000 sq. ft. space emphasizes the use of industry leading software to create 3D models that are constructed with the highest level of accuracy and precision.

The expansion has added **60** NEW JOBS

Photos left show new Burlington facility. Photos from CNW Group/ASTOUND Group

OUTCAST FOODS

Outcast Foods is an upcycling technology company that is actively reducing food waste.

The East Coast based company saw online sales increase by 3,872% over 2020. To meet the demands they looked to expand and found Burlington.

40,000 SQUARE FOOT EXPANSION

Brock University finds a home in Burlington

Brock University and the City of Burlington signed a Memorandum of Understanding (MOU) in fall 2020. This MOU was dedicating to having the organizations work together to find a site and realize the intention for the relocated satellite campus. A year later, the City of Burlington expressed interest in purchasing the former Robert Bateman High School site and Brock was identified as one potential user of the facility.

This acquisition would push forward key objectives laid out in the City of Burlington's 25-year strategic plan. Key pillars of this plan include making Burlington a city that grows by attracting talent, good jobs, and economic opportunity to the community. To support this, Burlington EcDev has developed and championed the city's post-secondary strategy. The formal announcement of Brock's new Burlington location is the culmination of years of work, relationship building and business case development done by EcDev and represents a significant milestone for Burlington.

In addition to exploring a relationship with Brock, the City of Burlington also plans to partner with other institutions, ensuring there is an adaptive reuse strategy for the site. This includes the Burlington Library relocating its Appleby Line branch to this location, and TechPlace to develop a hub for learning and education.

"Brock University is excited to relocate our satellite campus to the City of Burlington, a growing urban and business centre. This new campus will allow the University to serve our students and the wider community in a meaningful and lasting way. We look forward to supporting the economic, social, and cultural vitality of Burlington, while providing students in the area an opportunity to access quality education offerings in their local community."

Lynn Wells
Interim President and Vice Chancellor
Provost and Vice President, Academic

FUNDICA PARTNERSHIP

9 **Businesses leveraged AI technology to the get access to more funding opportunites**

Launched in June 2021, Burlington Economic Development partnered with Fundica to help businesses better access government and private sector funding. Fundica is an AI-powered funding tool that connects businesses with available grants, tax credits, loans and equity; while increasing visibility for public and private funders.

CONNECT WITH OUR TEAM

InvestBurlington.ca
invest@burlington.ca

Burlington Economic Development

@BurlingtonEcDev

IMPACT REPORT
2017 - 2022

WHERE THE BEST IN TECH CONNECT

TECH PLACE

BEST IN CLASS

The City of Burlington s new 25 year Strategic Plan gave a clear direction for Burlington Economic Development (Burlington EcDev) to develop a strategy for growing local talent, supporting existing businesses, and nurturing the start up and growth of new companies. The team hit the ground running, and within a year presented a comprehensive innovation and entrepreneurship strategy that included a recommendation to establish a physical space in Burlington where start ups and innovation could thrive.

We focused on creating connectivity, vibrancy, and telling the entrepreneurial story through three key areas:

- Space & Energy
- Mentorship & Support
- Capital & Growth

TechPlace was the first of its kind as a government led innovation centre, and has been recognized on multiple levels as a best in class example of how economic development agencies can support innovation and entrepreneurship. Over the last five years, TechPlace has established itself as a destination for new and growing technology companies, allowing technology, talent, and ideation to come together under one roof.

We are incredibly proud of what we ve been able to accomplish over the last five years, despite the obvious effects of the COVID 19 pandemic. We will continue to work closely with our partners across the private and public sectors to deliver on our promise to deliver the space, programming, resources and mentorship that start ups depend on.

TECH PLACE

6,588 Visitors to the space. Considering this is with two years of COVID 19 restrictions, we re pretty happy about it.

3,855 Meeting rooms booked to facilitate teamwork, mentorship and more.

300+ Endorsed users at TechPlace.

26 Number of businesses that have joined the LaunchPad program.

16 Number of countries TechPlace had visitors from including China, Honduras, South Africa and Chile.

The LaunchPad program gives growing technology companies access to private offices and deeper connections to grow their business.

“Landing at TechPlace was fantastic for our team and business growth. Not only did we feel like we were part of a vibrant start up ecosystem, the TechPlace team understood the challenges newcomers face and made sure we had all the connections we needed to thrive.”

Eduardo Serna, Co founder & CEO of Cardiotrack

Cardiotrack soft landed at TechPlace in 2021 as part of the LaunchPad program. Since being a part of TechPlace they have participated in the Novartis Bio Summit finishing in the top 3 projects in Canada for Cardiovascular awareness solutions.

174

Number of jobs created in Burlington through TechPlace with support from partners

60% REVENUE GROWTH

"TechPlace gave us a great home in the early days of scaling our business. It gave us professional meeting great energy from fellow entrepreneurs, and useful educational sessions to help build our ss knowledge."

Richard Obuhowich, Founder and COO at 3terra

3terra joined TechPlace's LaunchPad company in 2017. During their time at TechPlace they grew their revenue by 60% and exited the space to take on a commercial lease.

HALTECH
ACCELERATING INNOVATION

Haltech helps technology entrepreneurs and companies develop and transform their good ideas and product innovations into well-positioned, growing ventures. Haltech has added instrumental value to the TechPlace community.

Haltech's presence has been instrumental to the growth and success of TechPlace, bringing vital resources, programming, mentors and more to the space.

1,404 *Mentor hours delivered to clients at TechPlace*

200+ *Events hosted by Haltech at TechPlace*

EQUATION ANGELS + ENTREPRENEURS | AngelONE *Building the Canadian Economy One Deal at a Time*

Angel One Network Inc. is a member-based not-for-profit organization of high-net-worth investors who live, work or have strong interests in Southern Ontario.

They are a founding member of Equation Angels. A combination of four angel groups from Southern Ontario that aim to accelerate the innovation ecosystem for investors and entrepreneurs through their vast expertise and resources.

$6.72M

Invested in Angel One companies since 2017

40+

500% *revenue growth IRIS R&D saw during their time at TechPlace*

30 *number of new hires for IRIS R&D during their time at TechPlace*

5M *Funding and investments they received during their time at TechPlace*

"Techplace has provided our team with access to space, resources, programming, and mentorship that have been vital to our growth. Through the dynamic and supportive community at TechPlace we have grown our team and revenue."

Emil Sylvester Ramos, CEO and Co Founder of IRIS R&D. IRIS R&D joined the TechPlace LaunchPad program in 2019

$48,024,000
REVENUE GENERATED FOR BURLINGTON BUSINESSES THROUGH TECHPLACE

136
NEW PRODUCT AND SERVICES BROUGHT TO MARKET

GROWING THE COMMUNITY

2018

- TechPlace, Angel One, and Haltech launch HERHalton, a P2P community for professional women in Halton.
- LaunchPad offices reach capacity.

HERHalton's first Women's Day Event

In 2020 TechPlace was recognized by the International Economic Development Council (IEDC) as one of the world's best economic development programs in the Entrepreneurship Program category.

2020 INTERNATIONAL ECONOMIC DEVELOPMENT COUNCIL EXCELLENCE IN ECONOMIC DEVELOPMENT AWARDS

2021

- For the first time, 5 women-founded companies pitch to Equation Angels First Look.
- Beyond Boundaries Cohort 3 kicks off.
- Haltech assembles Diversity and Inclusion Committee.

Acceleration+ launch

2017

- TechPlace officially opens in June.
- Co-location partners Haltech and Angel One move in and begin delivering services.
- 2,016 visitors in first six months.
- 60% LaunchPad occupancy with demand growing.

Mayor Meed Ward Meets with LaunchPad companies

2020

- RBC commits to supporting Haltech and TechPlace through sponsorship. COVID-19 hits and TechPlace pivots to continue supports.
- Digital Main Street Future Proof Community Collaboration launches to support the needs of Main Street businesses and the business community during COVID-19.
- Haltech receives additional funding from FedDev to expand their Accelerator for Women Entrepreneurs, Beyond Boundaries.

2022

- Haltech receives $600,000 for i.d.e.a. Fund cohort 1.
- TechPlace.ca redesign to improve overall user experience.
- Haltech, TechPlace, and Innovation Factory partner with LatAm Startups and receive $3,000,000 to launch Acceleration+, a program focused on delivering specialized resources for international expansions.

Haltech Accelerator for Women Entrepreneurs funding announcement.

2019

- Haltech launches Investment Readiness course.
- Haltech receives $307,000 from federal government to create Accelerator for Women Entrepreneurs.
- Angel One joins forces with four leading angel investor groups to launch Equation Angels.
- TechPlace responds to growing demand and expands to add three new LaunchPad offices.

GET IN TOUCH

TechPlace provides new and growing technology companies with access to:

- **RESOURCES**
- **PROGRAMMING**
- **SPACE**
- **MENTORSHIP**

www.TechPlace.ca
info@techplace.ca

TECH PLACE

SUBJECT: Recommendation Report for Official Plan and Zoning By-law amendments for 3110 South Service Road

TO: **Community Planning, Regulation & Mobility Cttee.**

FROM: Community Planning Department

Report Number: PL-74-22

Wards Affected: 4

File Numbers: 505-04/22 & 520-05/22

Date to Committee: December 6, 2022

Date to Council: December 13, 2022

Recommendation:

Approve the applications for Official Plan and Zoning By-law amendments, to permit a three (3) storey office building including training facilities and a veterinary clinic; and

Approve Official Plan amendment No. 131 to the City of Burlington Official Plan, as provided in Appendix D of community planning department report PL-74-22, to increase the maximum permitted floor area ratio and increase the permitted total floor area of an ancillary service commercial use; and

Deem that Section 17(21) of the Planning Act has been met; and

Instruct the City Clerk to prepare the necessary by-law adopting Official Plan Amendment No. 131 as contained in Appendix D of community planning department report PL-74-22; and

Approve Zoning By-law 2020.448, attached as Appendix E of community planning report PL-74-22, which amends the site-specific “BC1-225” zone of the subject lands; and

Deem that the amending zoning by-law will conform to the Official Plan for the City of Burlington once Official Plan amendment No. 131 is adopted; and

State that the amending zoning by-law will not come into force and effect until Official Plan amendment No. 131 is adopted.

PURPOSE:

The purpose of this report is to recommend approval of the Official Plan amendment and Zoning By-law amendment applications for the lands municipally known as 3110 South Service Road, to permit a three (3) storey office building including training facilities and a veterinary clinic fronting onto South Service Road.

Vision to Focus Alignment:

- Increase economic prosperity and community responsive city growth
- Improve integrated city mobility
- Support sustainable infrastructure and a resilient environment
- Building more citizen engagement, community health and culture

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Executive Summary:

RECOMMENDATION:		Approval	***Ward:***	4
Application Details	***APPLICANT:***	Ruth Victor & Associates		
	OWNER:	P3 Real Estate Limited		
	FILE NUMBERS:	505-04/22 & 520-05/22		
	TYPE OF APPLICATION:	Official Plan Amendment and Zoning By-law Amendment		
	PROPOSED USE:	Three (3) storey office building including training facilities and a veterinary clinic		
Property Details	***PROPERTY LOCATION:***	East of the intersection of Queen Elizabeth Way and Guelph Line, on South Service Road		
	MUNICIPAL ADDRESSES:	3110 South Service Road		
	PROPERTY AREA:	0.80 ha		
	EXISTING USE:	Vacant standard restaurant		

Documents	***OFFICIAL PLAN Existing:***	'Business Corridor' (1997 Official Plan) 'Business Corridor' (2020 Official Plan)
	OFFICIAL PLAN Proposed:	'Modified Business Corridor'
	ZONING Existing:	'Business Corridor' with site specific regulations (BC1-225)
	ZONING Proposed:	'Business Corridor' with site specific regulations (BC1-225)
	APPLICATION RECEIVED:	June 22, 2022
	STATUTORY DEADLINE:	October 20, 2022 (120 days)
	COMMUNITY MEETING:	March 7, 2022
	PUBLIC COMMENTS:	One (1) comment received Number of Notices Sent: 95

Background and Discussion:

On July 11, 2022, the Community Planning Department acknowledged that complete applications had been received to amend the Official Plan and Zoning By-law for property at 3110 South Service Road (the "subject lands"). The purpose of the applications is to permit a three (3) storey office building including training facilities and a veterinary clinic fronting onto South Service Road (as shown on Appendix B).

The purpose of this report is to provide an overview of the applications, an outline of applicable policies and regulations, and a summary of technical and public comments that have been received and staff's opinion with respect to these applications. This report contains background information, a detailed policy analysis and a staff recommendation.

Subject Land Description & Surrounding Land Uses

The subject lands are located east of the intersection of Queen Elizabeth Way and Guelph Line, on South Service Road (as shown on Figure 1 (right), and Appendix A). The subject lands have an area of approximately 0.80 hectares and approximately 158 metres of frontage measured on an arc on South Service Road. The subject lands are currently occupied by a vacant stand-alone restaurant.

Figure 1 - Air Photo (2019) with subject property outlined

The subject lands are surrounded by a mix of employment uses, predominantly made up of “Business Corridor” (BC1) zones as well as with BC1 zones with site-specific regulations. To the north of the subject lands is South Service Road and Queen Elizabeth Way (QEW) (as shown on Appendix A). To the south are two properties, 3106 South Service Road which has the same zoning as the subject lands and contains restaurant building of approximately one (1) storey in height as well as 3115 Harvester Road which is zoned BC1 and contains an office building of approximately (9) storeys in height. To the west is the South Service Road and across this road is the property at 3063 South Service Road which is zoned BC1-335 and currently contains a hotel building of approximately seven (7) storeys in height. To the east is the property 3120 South Service Road which with has the same zoning as the subject lands and contains two (2) restaurant buildings of one (1) storey in height. The nearest residential zone is approximately 400m away from the subject land. There is currently an easement running along the eastern property boundary from South Service Road to Harvester Road.

The subject land is approximately 200 metres north from the nearest Burlington Transit bus stop which includes service from Route 50 (Burlington South) and Route 80 (Harvester/North Service) along Harvester Road. These routes connect to the Burlington GO and Appleby GO stations as well as the Downtown Bus Terminal.

Description of Application

The purpose of the applications is to amend the Official Plan and Zoning By-law designations to permit a three (3) storey office building including training facilities and a veterinary clinic fronting onto South Service Road (as shown on Appendix B). The office uses comprise approximately 2,098 square metres or forty-one (41) percent of the total building floor area. The training uses comprise approximately 664 square metres or thirteen (13) percent of the total building floor area. The veterinary clinic uses comprise approximately 1,394 square metres or twenty-seven (27) percent of the total building floor area. The remainder of the floor area includes building services which make up approximately 557 square metres or seventeen (17) percent of the total floor area. Overall, the uses proposed result in a building with a total floor area of approximately 5,045 m^2. The development proposal further contemplates a floor area ratio of approximately 0.63:1 and a floor area for ancillary employment use of approximately twenty-seven (27) percent as per the 1997 Official Plan (as amended).

The development proposal also contemplates a total of a hundred sixty-two (162) vehicle parking spaces of which eighty (80) are located underground and eighty-two (82) at grade as well as thirty-four (34) bicycle parking spaces. Ten (10) of the parking spaces are not recognized under the Zoning By-law 2020 given these are unofficial spaces located within the Ministry of Transportation (MTO) required setback. Vehicular access to the site is proposed via two (2) entrances on the South Service Road.

The applications request amendments to the Official Plan and Zoning By-law to facilitate the proposed development. The Official Plan amendment proposed includes an increased floor area for the ancillary veterinary clinic, beyond the maximum permitted 15 percent for an ancillary use. The Zoning By-law amendment proposed includes reduced setbacks abutting the South Service Road; reduced landscape area abutting the South Service Road; loading and/or unloading activities to occur on the yard abutting the South Service Road; and waste containers and/or garbage enclosures to be permitted in the yard abutting the South Service Road.

Supporting Documents

The applicant has submitted the following materials in support of the subject applications:

- **Completed Application Form** signed July 3, 2022.
- **Planning Justification Report** prepared by Ruth Victor & Associates dated May 25, 2022.
- **Site Survey** prepared by J. H. Gelbloom Surveying Ltd
- **Conceptual Site Plan Layout** prepared by IDEA Inc. dated June 22, 2022.
- **Architectural Plans** prepared by IDEA Inc. dated June 22, 2022.
- **Arborist Report** prepared by Adesso Design Inc. dated May 13, 2022.

- **Tree Inventory, Tree Preservation Plan and Landscape Concept Plan** prepared by Adesso Design Inc. dated June 9, 2022.
- **Functional Servicing Report (Water, Wastewater and Stormwater Management)** prepared by Trafalgar Engineering Ltd. dated May 13, 2022.
- **Noise and Vibration Study** prepared by SS Wilson Associates Inc. dated May 17, 2022.
- **Transportation Impact Study and Parking Study** prepared by Paradigm Transportation Solutions Ltd. dated May 2022.
- **Geotechnical Report** prepared by Soil-Mat Engineers & Consultants Ltd. dated January 14, 2022.
- **Geotechnical Investigation – Supplemental Comments** prepared by Soil-Mat Engineers & Consultants Ltd. dated January 14, 2022.
- **Phase One Environmental Site Assessment** prepared by Soil-Mat Engineers & Consultants Ltd. dated November 24, 2021.
- **Urban Design Brief** prepared by IDEA Inc. dated June 2, 2022.
- **Environmental Site Screening Questionnaire** signed July 3, 2021.
- **Construction and Mobility Management Plan** prepared by IDEA Inc. dated June 2, 2022.
- **Waste Management Plan** prepared by IDEA Inc. dated June 27, 2022.
- **Waste Management Letter** prepared by P3 Veterinary Partners Inc. dated May 9, 2022.
- **Sanitary Sewer CCTV Report** prepared by PipeFlo Contracting Corp dated June 27, 2022
- **University of Guelph Education Partnership Letter** prepared by the University of Guelph dated October 19, 2021.
- **Pre-consultation Meeting Notes** prepared by the City of Burlington dated March 2, 2022.
- **Transportation Impact Study - MTO Comment Response** prepared by Paradigm Transportation Solutions dated October 4, 2022.
- **Revised Waste Management Plan** prepared by IDEA Inc. dated October 5, 2022.
- **Revised Elevation Plans** prepared by IDEA Inc. dated October 5, 2022.
- **Revised Space Plans** prepared by IDEA Inc. dated September 8, 2022.
- **Revised Arborist Inventory** prepared by Adesso Design Inc. dated October 18, 2022.
- **Revised Erosion and Sediment Control Plan** prepared by Trafalgar Engineering Ltd. dated October 21, 2022.
- **Revised Arborist Report** prepared by Adesso Design Inc. dated October 19, 2022.

- **Revised Construction and Mobility Management Plan** prepared by IDEA Inc. dated September 21, 2022.
- **Revised Functional Servicing Report (Water, Wastewater and Stormwater Management)** prepared by Trafalgar Engineering Ltd. dated October 21, 2022.
- **Revised Grading Plan** prepared by Trafalgar Engineering Ltd. dated October 21, 2022.
- **Revised Servicing Plan** prepared by Trafalgar Engineering Ltd. dated October 21, 2022.
- **Revised Conceptual Site Plan Layout** prepared by IDEA Inc. dated October 21, 2022.
- **Region of Halton Clearance Email** prepared by Ruth Victor & Associates dated October 24, 2022.
- **Re-Submittal Letter** prepared by Ruth Victor & Associates dated October 24, 2022.
- **Second Submission Comments Matrix** prepared by Ruth Victor & Associates dated October 24, 2022
- **Revised Landscape Plan** prepared by Adesso Design Inc. dated October 25, 2022.
- **PIN Report** dated May 6, 2022.

Supporting documents have been published on the City's website for the subject application, www.burlington.ca/3110southservice.

Policy Framework

The proposed Official Plan amendment and Zoning By-law amendment are subject to review against the Planning Act, Provincial Policy Statement (2020), A Place to Grow: The Growth Plan for the Greater Golden Horseshoe (2020), Region of Halton Official Plan, City of Burlington Official Plan (1997, as amended), City of Burlington New Official Plan (2020), and City of Burlington Zoning By-law 2020, as summarized below. Staff are of the opinion that the proposed applications are consistent with and conform to the applicable policy framework, as discussed below.

Planning Act

Staff have considered the criteria in Section 2 of the Planning Act in the review of the applications and are of the opinion that the subject applications have regard for the Planning Act, as discussed in the PPS section and subsequent sections of this report.

Provincial Policy Statement (PPS), 2020

The PPS provides broad policy direction on land use planning and development matters of provincial interest. All planning decisions must be consistent with the PPS.

The PPS promotes healthy, liveable and safe communities that are sustained by appropriate development and land use patterns that make efficient use of land and infrastructure, accommodate an appropriate range and mix of uses, protect public health, safety and the environment. The PPS directs that growth and development be focused in settlement areas. In Settlement Areas, land use patterns are to be based on densities and a mix of land uses to meet long term needs and which efficiently use land, resources, infrastructure and public service facilities, prepare for the impacts of a changing climate and support active transportation and transit.

Subsection 1.1.3.1 of the PPS describes Settlement Areas shall be the focus of growth and development, and their vitality and regeneration shall be promoted. The subject land is located within the Urban Planning Area Boundary according to Schedule A of the City's Official Plan, and therefore are considered to be within a Settlement Area. Subsection 1.1.3.2 of the PPS further explains that land use patterns within Settlement Areas shall be based on densities and a mix of land uses which:

a) Efficiently use land and resources;

b) Are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid their unjustified and or/uneconomical expansion;

c) Minimize negative impacts to air quality and climate change, and promote energy efficiency;

d) Prepare for the impacts of a changing climate

e) Support active transportation; and,

f) Are transit-supportive, where transit is planned, exists or may be developed.

g) Are freight supportive

Similarly, Subsection 1.3.1 of the PPS describes that planning authorities shall promote economic development and competitiveness of employment lands by providing for an appropriate mix and range of employment, institutional, and broader mixed uses to meet long-term needs as well as by providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses.

The subject lands are within an employment area and currently contain a vacant restaurant building. The proposed Official Plan amendment and Zoning By-law amendment would allow for additional uses including employment uses such as office and veterinary service uses as well as institutional uses including training and educational uses on the subject lands, which would result in a more efficient use of the property. This will in turn consider the needs of existing and future businesses and help assist in

promoting a range and mix of employment land uses while protecting the employment nature of the subject lands.

Subsection 1.3.2 of the PPS describes that planning authorities shall plan for, protect and preserve employment areas for current and future uses and ensure that the necessary infrastructure is provided to support current and projected needs. To maintain land use compatibility within employment areas planned for industrial or manufacturing uses, planning authorities shall prohibit residential uses and prohibit or limit other sensitive land uses that are not ancillary to the primary employment uses. Employment areas planned for industrial or manufacturing uses should include an appropriate transition to adjacent non-employment areas. The proposed development does not propose industrial nor manufacturing uses and proposes a mix of uses including office, an ancillary service commercial use in the form of a veterinary clinic and institutional uses in the form of training and educational uses that would serve the surrounding employment areas.

The PPS further describes that planning authorities shall protect employment areas in proximity to major goods movement facilities and corridors for employment uses that require those locations. As per both the 1997 Official Plan (as amended) and new Official Plan (2020), the subject lands are located along the South Service Road which is recognized as a 'Collector' street. The operation of the proposed uses on the subject lands would help serve the employment area and support the viability of the public transit routes along the South Service Road and major intersections such as the Queen Elizabeth Way and Guelph Line.

Subsection 1.7.1 of the PPS describes that long-term economic prosperity should be supported by promoting opportunities for economic development and community investment-readiness; optimizing the long-term availability and use of land, resources, infrastructure and public service facilities. Therefore, staff is of the opinion that the expansion of permitted use permissions would promote the economic viability of the area by optimizing the existing resources and infrastructure.

As per the analysis provided, planning staff is of the opinion that the Official Plan amendment and Zoning By-law amendment on the subject lands is consistent with the PPS.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan), 2020

The Growth Plan provides a framework for managing growth and achieving complete communities in the Greater Golden Horseshoe. All planning decisions must conform to the Growth Plan.

The Growth Plan provides specific growth management policy direction for the Greater Toronto and Hamilton Area (GTHA) and focuses development in the existing urban areas

through intensification. The guiding principles of the Growth Plan include building complete communities that are vibrant and compact, and utilizing existing and planned infrastructure in order to support growth in an efficient and well-designed form.

One of the Growth Plan's guiding principles is to provide flexibility to capitalize on new economic and employment opportunities as they emerge, while providing certainty for traditional industries. Similarly, Subsection 2.2.5 (1) a) describes that economic development and competitiveness in the Greater Golden Horseshoe will be promoted by making more efficient use of existing employment areas and vacant and underutilized employment lands. The Official Plan amendment and Zoning By-law amendment would allow for additional uses including employment uses such as office and ancillary veterinary service uses as well as institutional uses including training and educational uses on the subject lands to result in more efficient use of the property.

Subsection 2.2.5 (3) and (4) of the Growth Plan describes that retail and office uses will be directed to locations that support active transportation and have existing or planned transit. Furthermore, it details that in planning for employment, surface parking will be minimized, and the development of active transportation networks and transit-supportive built form will be facilitated. The operation of the proposed uses on the subject lands would help support the viability of public transit routes including the nearest Burlington Transit bus stop which runs on Route 50 (Burlington South) and Route 80 (Harvester/North Service) along Harvester Road which is approximately 200 metres south from the subject land. These routes connect to the Burlington GO and Appleby GO stations as well as the Downtown Bus Terminal. The development proposal further encourages active transportation modes by proposing pedestrian sidewalks and crossings throughout the property that connects to the existing public realm, as well as thirty-four (34) bicycle parking spaces located at-grade and within the underground parking structure.

Subsection 2.2.5 (7) of the Growth Plan describes that municipalities will plan for all employment areas within settlement areas by prohibiting residential uses and prohibiting or limiting other sensitive land uses that are not ancillary to the primary employment use; prohibiting major retail uses or establishing a size or scale threshold for any major retail uses that are permitted and prohibiting any major retail uses that would exceed that threshold. Similarly, Subsection 2.2.5 (8) describes that the development of sensitive land uses, major retail uses or major office uses will, in accordance with provincial guidelines, avoid, or where avoidance is not possible, minimize and mitigate adverse impacts on industrial, manufacturing or other uses that are particularly vulnerable to encroachment. The development proposal contemplates uses which maintain the employment nature of the subject lands. Sensitive land uses such as residential uses and major retail that are not associated with the primary employment use are not proposed. The Official Plan amendment would allow for an increase from fifteen (15) percent to thirty (30) percent of

the total floor area for the ancillary service commercial veterinary clinic portion of the building, as well as retail uses on the subject lands up to a maximum of 28 square metres.

As per the analysis provided, planning staff is of the opinion the proposed Official Plan amendment and Zoning By-law amendment conforms to the Growth Plan.

Halton Region Official Plan (ROP)

The subject lands are designated as Urban Area under Map 1 of the 2009 Halton Region Official Plan (ROP) and are within the Built Boundary. The policies of Urban Area designation support a form of growth that is compact and supportive of transit, in addition to the development of vibrant and healthy mixed-use communities which afford maximum choices for residence, work and leisure.

The subject lands are also located within an Employment Area as outlined on Map 1 of the ROP. The Employment Area policies of the ROP identify that employment areas are to accommodate the forecasted employment growth and are to provide a fully diversified economic base for Halton. Residential and non-employment uses including major retail uses in Employment Areas are prohibited unless through a municipal comprehensive review subject to criteria as set out in Subsection 77.4(4) of the ROP. Further, Subsection 83.2 (5) of the ROP requires municipalities to promote intensification and increased densities in both new and existing employment areas by facilitating compact, transit-supportive built form and minimizing surface parking. Lastly, in accordance with ROP Subsection 78.1 (4), the Region aims to identify Regional Employment Areas and protect them for long term employment use. The ROP also provides flexibility within employment areas to address changes in the role and function of said employment areas throughout the Region.

Regional Official Plan Amendment (ROPA) 49 was adopted by Regional Council on June 15, 2022 and is the second amendment to be advanced as part of the Regional Official Plan Review under Section 26 of the Planning Act. The amendment is to implement the results of the Region's Integrated Growth Management Strategy (IGMS), which considered how to accommodate growth in Halton to the 2051 planning horizon as part of the municipal comprehensive review process. The amendment also includes changes that support planning for growth in Halton and achieving conformity with the Provincial Growth Plan for the Greater Golden Horseshoe. The Ministry of Municipal Affairs and Housing is the approval authority of ROPA 49 and approved ROPA 49 with modifications on November 4, 2022. ROPA 49, as approved, does not have any impact on the proposed development addressed in this report.

The proposal includes a 'service commercial' component in addition to the proposed employment use. Subject to appropriate service commercial area caps being implemented in accordance with the approved Employment Area policies of the City's

new Official Plan, Regional Staff have identified the proposed development would conform with the employment area policies ROP.

Halton Region staff were circulated on the development application and associated technical studies and drawings. Regional staff have indicated that the applicant's application materials are satisfactory for the Official Plan amendment and Zoning By-law amendment and have no objections. City Planning staff have also reviewed the application and find that the proposed development applications on the subject land conforms with the policies of the ROP.

City of Burlington Official Plan (OP), 1997, as amended

The City of Burlington's Official Plan provides specific guidance on land use planning and development within the City. The Official Plan includes local principles, objectives and policies for the orderly growth and compatibility of different land uses.

The subject lands are designated 'Business Corridor' under Schedule B: Comprehensive Land Use Plan – Urban Planning Area of the Official Plan. Lands within this designation are intended to provide locations in the City for prestige-type offices and industrial uses that require good access and high visibility along major transportation routes, to permit a wide range of employment uses including office, industrial and related uses and to establish high design and development standards for Business Corridor lands.

This designation permits a broad range of office, industrial, utilities, transportation and service trade uses provided these are located within an enclosed building and are unlikely to cause significant pollution or excessive noise. A limited range of ancillary retail commercial and service commercial uses as well as recreation uses such as restaurants, banks and fitness centres, subject to specific provisions of Part III, Subsection 3.4.2 e) may be permitted. Additionally, hotel, conference and convention uses as well as residence for a watchman or caretaker may be permitted. Furthermore, in accordance with Part III, Subsection 3.4.2 b) and d), Zoning By-law regulations affecting office uses on Business Corridor lands may permit a maximum floor area ratio of development at any site of up to 0.5:1 and a range of building heights and development intensities shall be permitted within areas designated as Business Corridor.

The proposed development contemplates a three (3) storey office building including training facilities and an ancillary veterinary clinic fronting onto the South Service Road (as shown on Appendix B). The proposed office uses comprise approximately 2,098 square metres or forty-one (41) percent of the total building floor area. The training uses comprise approximately 664 square metres or thirteen (13) percent of the total building floor area. The veterinary clinic uses comprise approximately 1,394 m² or twenty-seven (27) percent of the total building floor area. The remainder of the floor area includes building services which makes up approximately 557m² or seventeen (17) percent of the

total floor area. Overall, the uses proposed result in a building with a total floor area of approximately 5,045 m² and a floor area ratio of approximately 0.63:1. Therefore, the proposed development requires an Official Plan Amendment to reflect the requested increase in the permitted floor area ratio from 0.5:1 to 0.65:1.

According to Subsection 3.4.2 e) the retail, service commercial and recreation uses permitted under Part III, Subsection 3.4.2 a) (ii) shall be ancillary to, and primarily serve, uses, businesses and employees within the surrounding employment area; shall only be permitted on lands having one or more buildings with a total floor area greater than 3,000 square metres; and no more than fifteen (15) percent of the total floor area of any one building shall be used for ancillary uses, except that a restaurant subject to specific criteria. The proposed veterinary clinic use is contemplated as a subordinate ancillary service commercial use to the head office component. Notwithstanding, the proposed development requires an Official Plan Amendment to reflect the requested increase in the permitted floor area for the ancillary veterinary clinic employment use from fifteen (15) percent to thirty (30) percent.

The proposed development includes a portion of the building dedicated to training uses. As described in the proposal, the proposed use would be associated with the higher education of Veterinary Doctors. Specifically, the Planning Justification Report submitted as part of the application materials states, "…to provide hands on training for veterinarian students as well as required experience for foreign trained veterinarians gaining certification in Canada. These two uses are directly related to and supported by the veterinarian clinic which is proposed as an ancillary use on this property…Veterinary students will use the facility and Continuing Education for Practicing Veterinarians will be provided".

In accordance with Part II Subsection 4.3 a), institutional uses are defined as uses with the primary purpose of serving the educational, health and social needs of the community and are further defined as educational facilities such as universities, colleges, elementary and secondary schools, both public and private, among other uses. Given the nature of the proposed training uses and its association with higher education, staff believe that it would be appropriate to consider the associated training uses as an institutional use. Furthermore, in accordance with Part II Subsection 4.3 c), institutional uses shall be permitted within all land use designations located on Schedule B, Comprehensive Land Use Plan - Urban Planning Area with the exception of the Greenlands and Watercourse land use designations.

In accordance with Part II, Subsection 4.3 d), within the Business Corridor designation, certain sensitive institutional uses such as educational facilities shall require an amendment to the Zoning By-law. Furthermore, 'Sensitive Land Uses' are defined as buildings, amenity areas, or outdoor spaces where routine or normal activities occurring at reasonably expected times would experience one or more adverse effects from

contaminant discharges generated by a nearby major facility. Staff is of the opinion the proposed development is therefore not recognized as a sensitive land use.

In accordance with Part II, Subsection 6.5 a), the density, form, bulk, height, setbacks, spacing and materials of development are to be compatible with its surrounding area. Similarly, in accordance with Part II Subsection 6.5 b) the compatibility of adjacent residential and non-residential development shall be encouraged through site design and buffering measures, including landscape screening and fencing. As part of the development application materials, the applicant provided an Urban Design Brief which outlines that the proposed development contemplates a building of three (3) storeys with an increased floor area ratio from the maximum permitted 0.5:1 to approximately 0.63:1 as well as a reduced yard abutting the South Service Road from the required 30 metres to 14 metres and reduced landscape area abutting the South Service Road from the required 15 metres to 3 metres.

The neigbouring properties municipally known as 3120 South Service Road and 3106 South Service Road directly abutting the subject lands to the south and east contain buildings of approximately one (1) storey in height and setbacks with more than 20 metres from the proposed building. Additionally, the property to the west across South Service Road municipally known as 3063 South Service Road contains a building of approximately seven (7) storeys. Staff is therefore of the opinion the proposed development continues to be compatible with the surrounding land uses and building structures. Additional design details will be reviewed as part of a subsequent Site Plan application.

In accordance with Part II subsection 6.5 e) all developments shall be designed having regard for public transit accessibility in the Urban Planning Area, convenience and comfort, and access and parking for the physically challenged, and to ensure that the needs of persons with disabilities and other special needs groups are addressed. The proposed Official Plan amendment and Zoning By-law amendment application materials were circulated to the City's Accessibility Site Engineering Services staff whose comments indicate no concerns with the proposed concept plan. The development proposal contemplates a total of a hundred sixty-two (162) vehicle parking spaces of which six (6) are designated as accessible parking spaces as required by the Zoning By-law 2020. Additionally, the development proposal further proposes pedestrian sidewalks and crossings throughout the property that connects to the existing public realm for improved convenience and comfort for pedestrians.

In accordance with Part II subsection 6.5 g) the location, amount, position and design of parking areas shall be reviewed to minimize their potential to erode the qualities of the public streetscape, and to lessen their visual impact. City Council shall require landscaped islands and screening in the design of large parking lots. The development proposal contemplates an enhanced parking layout which includes a variety of

landscaped islands throughout the parking space to help minimize the impact onto the existing streetscape.

In accordance with Part II subsection 6.5 h) the streetscape appearance of major, multi-purpose and minor arterial roads and collector streets shall be enhanced by encouraging buildings to present their main building facades to these roads or to enhance their treatment to avoid the appearance of blank buildings at service entrances. The street to which the subject land fronts onto, also known as the South Service Road, is designated as a 'Collector' under Schedule J: Classification of Transportation Facilities. The front façade of building will be located facing the South Service Road towards the north property line. As a result, staff have no concerns with the proposed building layout.

In accordance with Part II subsection 6.5 j) the functional and visual impact of site servicing, loading, air conditioning and ventilation equipment and waste handling facilities shall be minimized, by integrating them into the building's main structure, by screening or by site design. Although the proposed development contemplates locating loading and/or unloading activities on the yard abutting the South Service Road. Staff find the proposed location for the loading area does not disrupt the existing streetscape as well vehicular and pedestrian traffic given it is located along the side of the proposed building. Transportation staff have also reviewed the proposed site traffic circulation and do not have any concerns.

In accordance with Part II subsection 6.5 m) all development shall be designed having regard for Sustainable Development considerations as set out in Part II, Subsection 2.7.3 of the Plan. Additionally, in accordance with Part II, subsection 2.7.3 of the Plan, exposure of sensitive land uses to vibration, noise, dust, odours or other effects caused by transportation or industrial facilities, and likewise, the encroachment of sensitive land uses on these facilities, shall be avoided through the use of separation distances, the placement of non-sensitive land uses in buffer areas, and/or other means. Staff is of the opinion, the proposed uses do not constitute sensitive land uses. Furthermore, as part of the application material submission, the applicant provided a Noise and Vibration Study which has shown no negative impact for the subject land and the proposed use will not cause adverse effects in terms of dust or odour. Additionally, a review of the development proposal's considerations for sustainable design has been included under the 'Climate Implications' section of this report.

Staff are therefore of the opinion that the proposed Official Plan amendment as set in the Draft Official Plan under Appendix D conforms to the City's 1997 Official Plan (as amended).

City of Burlington New Official Plan (OP, 2020)

On November 30, 2020, the Region of Halton issued a Notice of Decision approving the new Burlington Official Plan. The new Official Plan has been developed to reflect the opportunities and challenges facing the City as it continues to evolve.

Section 17(38) of the Planning Act (R.S.O. 1990, as amended) sets out that all parts of an approved official plan that are not the subject of an appeal will come into effect on the day after the last date for filing a notice of appeal- that date being December 22, 2020 for the new Burlington Official Plan. At the time of the writing of this report, no formal determination has been made as to the validity of the appeals of relevant sections of OP, 2020.

The subject lands are designated 'Business Corridor' under Schedule C: Land Use - Urban Area of the New Official Plan. Lands within this designation are intended to provide locations in the City for prestige-type offices and industrial uses that require good access and high visibility along major transportation routes, to permit a wide range of employment uses including office, industrial and ancillary employment uses and to establish high design and development standards for Business Corridor lands.

In accordance with Subsection 8.2.4(2) a), the 'Business Corridor' designation may permit a broad range of office, industrial, utilities, transportation and service trade uses provided these uses are located within an enclosed building and are unlikely to cause significant adverse effects such as noise, vibration, odours or dust. A limited range of accessory retail, a full range of accessory service commercial, a limited range of recreation uses may be permitted. Additionally, large-scale motor vehicle dealerships, hotel, conference and convention uses may be permitted. The accessory retail and service commercial uses permitted under this designation are subject to the provisions of subsection 8.2.2 c), which specifies that the accessory retail and service commercial uses permitted under this designation shall be ancillary employment uses as defined in Chapter 13: Definitions, of this Plan as well as no more than fifteen (15) percent of the total floor area of anyone building shall be used for accessory uses, except for a restaurant.

In accordance with Subsection 8.2.2 d), where accessory retail and/or service commercial uses are proposed on an existing occupied employment site that would exceed the maximum fifteen (15) percent total floor area set out in subsection 8.2.2 c) (ii) of the Plan, such a proposal may be considered by the City through a site-specific Zoning By-law amendment, without the need for an amendment to this Plan, where specific criteria are addressed to the satisfaction of the City. The criteria specifies that the proposed use shall meet the definition of ancillary employment use as defined in Chapter 13: Definitions, of this Plan; the proposed use shall maintain and support the employment function of the site and shall in no case exceed thirty (30) percent of the total floor area of all existing buildings on the site; the applicant shall demonstrate that there are no unacceptable adverse effects on the surrounding area related to noise, vibration, dust or odour, or

unacceptable adverse impacts related to traffic and parking, and that the surrounding existing or permitted uses are compatible with the proposed use; the proposed use shall have direct access to existing or planned transit; and the proposed use is, or shall be, pedestrian and active transportation accessible.

An 'Ancillary Employment Use' is defined under Chapter 13 of the Plan as the use of any land, building or structure which is subordinate to uses in the surrounding Employment Area and primarily provides its service to the uses, businesses and employees in the surrounding Employment Area. An ancillary employment use could include accessory retail and service commercial uses as defined in subsection 8.2.2 c) of this Plan, as well as public service facilities and institutional uses such as emergency service facilities, trade schools, other adult education facilities and post-secondary education facilities. Staff is therefore of the opinion the proposed veterinary clinic meets the 'Ancillary Employment Use' definition under the Plan.

Additionally, as part of the application material submission, the applicant provided a Noise and Vibration Study which has shown no negative impact for the subject land and the proposed use will not cause adverse effects in terms of dust or odour.

In accordance with subsection 8.2.2 k), in the 'Business Corridor' designations, institutional uses may be considered, subject to the policies of Subsection 3.2.2 e) of this Plan which describes that notwithstanding Subsections 3.2.2 a), b) and c) of this Plan, public service facilities and institutional uses that are considered a sensitive land use which are proposed within an employment area, shall be subject to specific consideration. A 'Sensitive Land Use' is defined under Chapter 13 of the Plan as buildings, amenity areas, or outdoor spaces where routine or normal activities occurring at reasonably expected times would experience one or more adverse effects from contaminant discharges, fumes, sound waves or radiation generated by a nearby major facility. Sensitive land uses may be a part of the natural or built environment. Examples may include, but are not limited to: residences, day care centres, and educational and health facilities. Staff is of the opinion the proposed development is therefore not recognized as a sensitive land use.

In accordance with subsection 8.2.4 (2) b), a range of building heights and development intensities shall be permitted within areas designated as Business Corridor. Additionally, subsection 8.2.4 (2) c) describes the City will encourage a minimum floor area ratio of development of 0.25:1 for office development in Business Corridor Lands to promote more efficient use of land. The proposed development contemplates a building of three (3) storeys with a floor area ratio of approximately 0.63:1.

As a result, although an amendment is required to the 1997 OP as set in the Draft Official Plan Amendment under Appendix D, staff's review of this application can be informed by the direction of the Council approved, under appeal, new OP which sets out criteria for permitting accessory service commercial uses to a maximum of fifteen (15) percent of

total floor area. As mentioned, the plan also sets out criteria and process through a Zoning By-law amendment to consider increases of up to a maximum of thirty (30) percent of total floor area. Staff is therefore of the opinion that the proposed development conforms with the new OP.

Zoning By-law 2020

The subject lands are currently zoned 'Business Corridor' (BC1-225) with site-specific exceptions. The BC1 zone permits a broad range of industrial, office, hospitality, automotive, retail as well as a limited range of service commercial and recreation uses while a veterinary clinic is not a permitted use. The site-specific zoning exemption 225 describes that a Night Club is a prohibited use and Footnote (f) to Table 2, Permitted Uses, of Part 3 – Employment Zones, of the by-law, shall not apply to standard restaurants. The footnote specifies that, a restaurant may occupy up to 100% of the total floor area of a single building on a lot, provided that the total existing building floor area of all buildings on the lot is not less than 3,000 m2, and provided the lot abuts an arterial, multi-purpose arterial or minor arterial road.

A Zoning By-law Amendment is required to add veterinary clinic and training facility uses as well as the retail sales of pet foods and supplies up a maximum of 28 square metres of the building floor area as a permitted use on the subject land. Whereas under the Official Plan the proposed veterinary clinic and the training facility portion of the building are interpreted as separate uses, under Zoning By-law 2020 these are interpreted as one service commercial use. Additionally, the application contemplates amendments to the Zoning By-law for: reduced yard abutting South Service Road; reduced landscape area abutting South Service Road; loading and/or unloading activities to occur on the yard abutting South Service Road; and waste containers and/or garbage enclosures to be permitted in the yard abutting South Service Road. Furthermore, in order to reflect the policies under the Official Plan, the Draft Zoning By-law under Appendix E also includes: a maximum Floor Area for Retail Sales of Pet foods and supplies of 28 square metres; a maximum Floor Area of Veterinary Services containing a Training Facility of fifty-one (51) percent with a minimum thirteen (13) percent of the Floor Area devoted to the Training Facility use; and a maximum Floor Area Ratio for all uses of 0.65:1.

In accordance with Part 3, Section 4.2, of Zoning By-law 2020, the subject land requires a minimum yard of 30 m abutting a street adjacent to the Queen Elizabeth Way, in this case being the yard abutting the South Service Road. The intent of the minimum yard setback regulation is to promote compatibility and mitigate adverse effects of massing on the surrounding streetscape and adjacent properties as well as to ensure there is adequate open space around a structure to provide the desired balance between built form and landscape features. The proposed development contemplates a reduced yard abutting the South Service Road from the required 30 metres to 14 metres. Staff is of the

opinion the proposed reduction does not cause a negative impact to the overall nerighbourhood compatibility.

In accordance with Part 3, Section 4.8, of Zoning By-law 2020, the subject lands require a minimum landscape area of 15m abutting a street adjacent to the Queen Elizabeth Way, in this case being the landscape area abutting the South Service Road. Under the by-law, a 'Landscape Area' is defined as an area of land within a lot dedicated to the planting of trees, shrubs, flower beds, or a combination thereof and which may include other decorative landscape features. The intent of a minimum landscape area regulation is to achieve appropriate landscaping and separation to existing streetscapes. The proposed development contemplates a reduced landscape area abutting the South Service Road from the required 15 metres to 3 metres. It is staff's opinion the proposed reduction will be compatible with the existing streetscape and will provide for sufficient landscaping.

In accordance with Part 3, Section 4.12 (b) of Zoning By-law 2020, loading and/or unloading activities are not permitted in a yard abutting a street. Loading spaces are recognized under Zoning By-law 2020 as off-street space or berth on the same lot with a building for the temporary parking of commercial vehicles that load or unload merchandise or materials. The intent of regulating the location of loading and/or unloading activities is to ensure that proper yards and neighbourhood streetscapes are preserved as well as to ensure that vehicular and pedestrian traffic circulation is not disrupted. The proposed development contemplates locating loading and/or unloading activities on the yard abutting the South Service Road. Staff find the proposed location for the loading area does not disrupt the existing streetscape nor vehicular and pedestrian traffic. Transportation staff have reviewed the proposed site traffic circulation and do not have any concerns.

In accordance with Part 3, Section 4.10, of Zoning By-law 2020, the subject land requires all refuse, waste, and refuse and waste containers to be screened such as not to be visible from any street. Additionally, Part 1, Section 2.2.3, of the Zoning By-law specifies that a structure for the storage of garbage would be permitted only in a rear or side yard. The intent of locating waste containers and/or garbage enclosures away from front yards is to ensure that proper yards and neighbourhood streetscapes are preserved. The proposed development contemplates the proposed waste containers to be located within the yard abutting the South Service Road. Staff is of the opinion the proposed waste collection location would not pose a negative impact onto the existing streetscape.

As per the analysis above staff is of the opinion that the proposed amendments to Zoning By-law 2020 as described on the Draft By-law under Appendix E are appropriate for the subject lands.

Technical Comments

The subject applications were circulated to internal staff and external agencies on July 26, 2022 for review. At this time, technical comments have been received and reviewed. Comments received have been summarized below:

Finance Department – Property taxes to be paid in full, including all installments levied.

Accessibility – Site Engineering Services – Related to the proposed parking, with 163 parking spaces proposed, (6) barrier-free parking spaces are required. Five (5) are shown at grade and three (3) spaces shall be "Type A" being 3400 mm in width and signed to indicate Van Accessible Parking. The remaining three (3) spaces shall be "Type B" being 2.75 m and the access aisles shall be 2 m as per the Zoning By-law. The access aisles are to be clearly identified through appropriate line painting and can be shared by two spaces. Access aisles for the barrier-free parking spaces at grade shall include a curb ramp and Tactile Walking Surface Indicators (TWSIs) leading to the walkway to the entrance. No fewer than two (2) barrier-free spaces shall be relocated to Level 0 and placed in close proximity to the elevator vestibule. The pedestrian crossings as shown are clearly marked throughout the site and applicant is to ensure each curb includes a curb cut with TWSIs. Applicant is to ensure there is a dog relieving area easily accessible to the main entrance following a straight path of travel to serve the needs of guide dogs and service animals. This area should be equipped with a waste receptacle and a means by which surfaces can be easily cleaned. The relieving area should enable a guide dog handler to allow a guide dog on a 1.5 m leash to circle its handler prior to relieving itself. All comments and revisions requested by staff have been provided by the applicant and therefore staff have no additional comments or concerns.

Site Engineering – Site engineering staff has been circulated the application and related materials. While Engineering comments are not available at the time of the writing this report planning staff is of the opinion site engineering comments may be addressed through conditions and subsequent phases of the development review process such as Site Plan review. The applicant is requesting an increase in the maximum permitted floor area for the veterinary clinic use and building floor area ratio, the proposed uses are permitted under the 1997 Official Plan (as amended) and the new Official Plan (2020). Staff is of the opinion that the proposed planning instruments recommended in this report satisfy the principle of land use and associated protection offered in the zoning bylaw amendment.

Transportation Planning – No further comments or concerns.

Burlington Transit – No further comments or concerns.

Fire Department – The orientation of the proposed fire access route serving the three (3) storey office building appears acceptable without revision. The fire access route will need to be designed, constructed and designated as a fire access route in accordance with Articles 3.2.5.4., 3.2.5.5. and 3.2.5.6. of the 2012 Ontario Building Code, as amended. A

portion of the fire access route appears to be located directly above the underground parking garage slab (Northwest corner of building). Please be advised that the underground parking garage slab will be required to be designed and constructed to support the weight of firefighting equipment and operations. For detailed information on structural loading requirements, please contact the Building Department at building@burlington.ca.

As the project progresses and plans become more detailed, the following will need to be identified:

- location of the fire department connections (if applicable)
- locations of the nearest municipal fire hydrants and private fire hydrants
- locations of proposed fire alarm annunciator panel(s).

Overall, fire staff have no major concerns, a more formal and detailed review will be conducted by our Department at the Site Plan review stage.

Urban Forestry and Landscape – staff support the Official Plan amendment and Zoning By-law amendment application, further detailed comments can be discussed at the Site Plan Review stage.

Halton Region – staff has identified that the majority of information has been submitted to the Region which addressed their comments and they do not anticipate issues with approval.

Halton Police – no further or concerns as it does not interfere with the line-of-sight radio system.

Conservation Halton – staff do not object to the proposed applications. The limits of the regulatory floodplain and associated allowance must be shown on all plans as part of the forthcoming Site Plan application and all development must be located outside the regulated area (with the exception of parking and landscaping). A Conservation Halton permit is also required following Site Plan approval.

Ministry of Transportation – no further comments or concerns.

Metrolinx – the subject land is located greater than 300 m from Metrolinx's Oakville subdivision which carries Lakeshore West GO train services and as such, it is outside of the zone of influence for review.

Trans-Northern Pipelines Inc. – staff confirmed Trans-Northern Pipelines Inc does not have infrastructure in the subject land.

Financial Matters:

In accordance with the Development Application Fee Schedule, all fees determined have been received.

Climate Implications

In February 2020, City Council approved the City of Burlington Climate Action Plan to support the City's path towards a low-carbon future, focusing on mitigating greenhouse gases and reducing energy consumption. The Plan identifies seven implementation programs, including, programs to enhance energy performance for new and existing buildings; increase transit and active transportation mode shares; electrify City, personal and commercial vehicles and other currently gas-powered equipment; and support waste reduction and diversion.

As part of the Official Plan amendment and Zoning By-law amendment applications, the applicant was required to provide consideration to the Sustainable Building and Development Guidelines which provide an overview of the required and encouraged sustainable design measures for new development across the City.

The applicant submitted an Urban Design brief which includes consideration to the guidelines.

In accordance with guideline 2.1 the proposed development provides pedestrian and cycling connections from on-site buildings to off-site public sidewalks, transit stops and adjacent buildings and sites in accordance with Official Plan policies. The subject land is approximately 200 metres north from the nearest Burlington Transit bus stop which runs on Route 50 (Burlington South) and Route 80 (Harvester/North Service) along Harvester Road. These routes connect to the Burlington GO and Appleby GO stations as well as the Downtown Bus Terminal. These transit connections in turn encourage active transportation and transit use to reduce auto dependency.

In accordance with guideline 2.3, 2.5 and 2.6 the bicycle parking spaces proposed are consistent with the Zoning Bylaw and Official Plan Policies. On-site bicycle storage is provided in accordance with the Zoning By-law and Official Plan policies. These are provided at grade and within the parking garage. These further promote reduced auto dependency, therefore helping to mitigate greenhouse gas emissions and traffic congestion as well as improved health.

The Zoning By-law requires two (2) bicycle parking spaces and one (1) parking space per 1,000 square metres resulting in a total of eight (8) required bicycle parking spaces for the proposed development. The proposed development proposes thirty-four (34) bicycle parking spaces. The bicycle parking spaces are located near the main entrance at approximately 20m from the main entrance of the building and within the underground parking structure.

In accordance with guideline 3.8, the applicant submitted a tree preservation plan which has been reviewed and deemed satisfactory by Urban Forestry and Landscape staff. Additionally, the proposed development considers tree planting to reduce pollution, improve air quality and enhance the sustainability of the community. Native and drought-tolerant species are preferred for the proposed development. Local tree species will also be selected to thrive on-site.

In accordance with guideline 4.1, the applicant submitted a Functional Servicing Report including water, wastewater and stormwater management reviews in order to demonstrate the development achieves a level stormwater treatment for all stormwater runoff to reduce the total suspended solids in runoff to ensure the protection of receiving watercourses and Lake Ontario.

In accordance with guideline 5.1, the proposed development provides vegetated landscape areas in hard surface areas as per the Zoning By-law regulations in order to reduce the urban heat island effects and improve human comfort. The proposed development incorporates ample landscaping in the form of a common open space area and planting strips, and high albedo walking surfaces as well as a proposed green roof to help reduce the heat island effect, manage stormwater and allow for building users to take advantage of natural light and outdoor environments. A high reflective roof will also be used to reduce heat island effect.

In accordance with guideline 6.1, the applicant has provided a Waste Management Plan which satisfies Regional requirements. The proposed waste report describes three (3) different stream waste collection including recycling, organics, and waste which would help reduce the amount of landfill waste.

Staff is of the opinion the development proposal complies with the required sustainable and design guidelines and considers some voluntary guidelines sustainable design guidelines. Additional sustainability measures will be established in more detail at the Site Plan approval stage to ensure the sustainability objectives of the City of Burlington are met.

Engagement Matters:

The applicant held a virtual Pre-Application Community Consultation Meeting on March 7, 2022, prior to the submission of the applications. There were no public attendees at the meeting. The applicant, Mayor Marianne Meed Ward, Ward 4 Councillor Stolte, and City Planning staff also attended the meeting.

A notice sign has been posted on the subject land. A public notice of the Zoning By-law amendment application has been mailed to 95 members of the public, which includes all property owners and tenants within 120 m of the subject land.

A webpage was created on the City of Burlington website, accessible at www.burlington.ca/3110southservice. This webpage provides information about the subject application including dates of public meetings, links to supporting studies, and contact information for the applicant's representative and Community Planning Department.

Public Comments

Since the public circulation was issued in July 26, 2022, Planning Staff have received one (1) public written comment regarding the requested Official Plan amendment and Zoning By-law amendment. The public comment received has been included as Appendix C to this report.

The letter specifies concerns with the proximity of the proposed Dog Run area located at the rear of the proposed building and adjacent to the neighbouring restaurant found on the property municipally known as 3106 South Service Road. Additionally, it describes concerns with the potential noise (i.e. barking) and odours from urine and/or feces that may occur by the Dog Run Area. Staff is of the opinion that the proposed Dog Run area would be located abutting the rear of the neighbouring building which currently contains a loading area and garbage disposals. Staff is also of the opinion the Dog Run area is not considered a use which would have substantial odour or noise impact onto the surrounding properties in comparison to other permitted industrial employment uses. Staff is of the opinion that the concerns raised in the public comments can be appropriately addressed and mitigated.

Conclusion:

Staff's analysis of the application for the proposed Official Plan amendment and Zoning By-law amendment have considered the applicable policy framework and the comments submitted by technical agencies and the public. Staff find that the applications are consistent with the Provincial Policy Statement and conform to the Provincial Growth Plan, the Regional and City Official Plans, and the Zoning By-law 2020.

It is therefore recommended that the proposed Official Plan amendment and Zoning By-law amendment to facilitate the development of the three (3) storey office building including training facilities and a veterinary clinic, be approved.

Respectfully submitted,

Mariana Da Silva
Planner I – Development Review
905-335-7600 ext. 7536

Appendices:

A. Existing Zoning
B. Concept Plan
C. Public Comments
D. Official Plan Amendment
E. Zoning By-law Amendment

Notifications:

Len Radomski (Ruth Victor & Associates)
len@rvassociates.ca
P3 Real Estate Limited
bcampbell@p3vetpartners.ca

Report Approval:

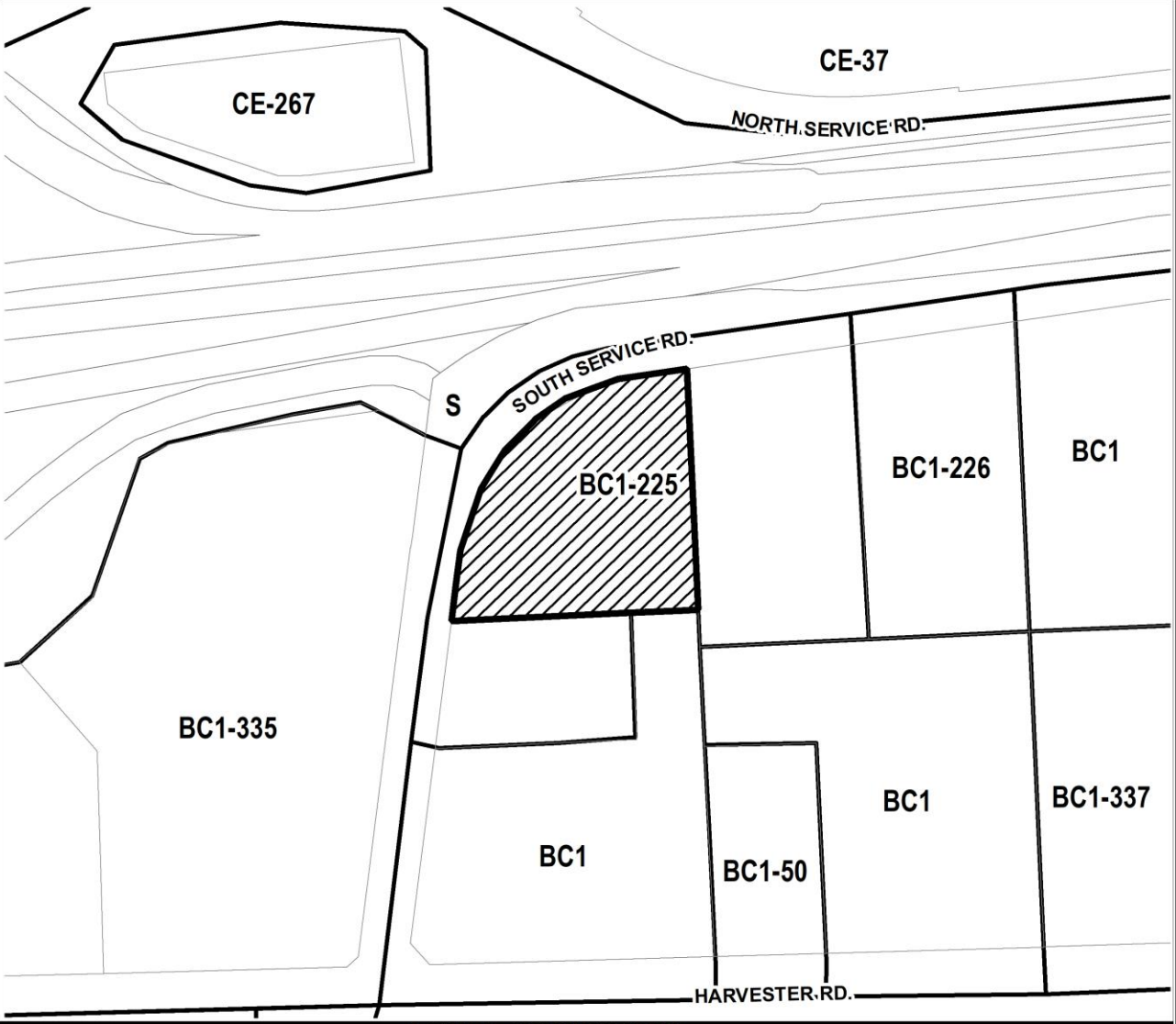
All reports are reviewed and/or approved by Department Director, the Chief Financial Officer and the Executive Director of Legal Services & Corporation Counsel.

EXISTING ZONING

3-storey office building including training facilities and an ancillary veterinary clinic

SUBJECT PROPERTY

File Nos. 505-04/22 & 520-05/22



GENERAL ZONING LEGEND

Low Density	Medium Density	High Density	Mixed Use	Commercial	Employment	Other
				BC1	CE	S

Date: July 20, 2022
Community Planning Department

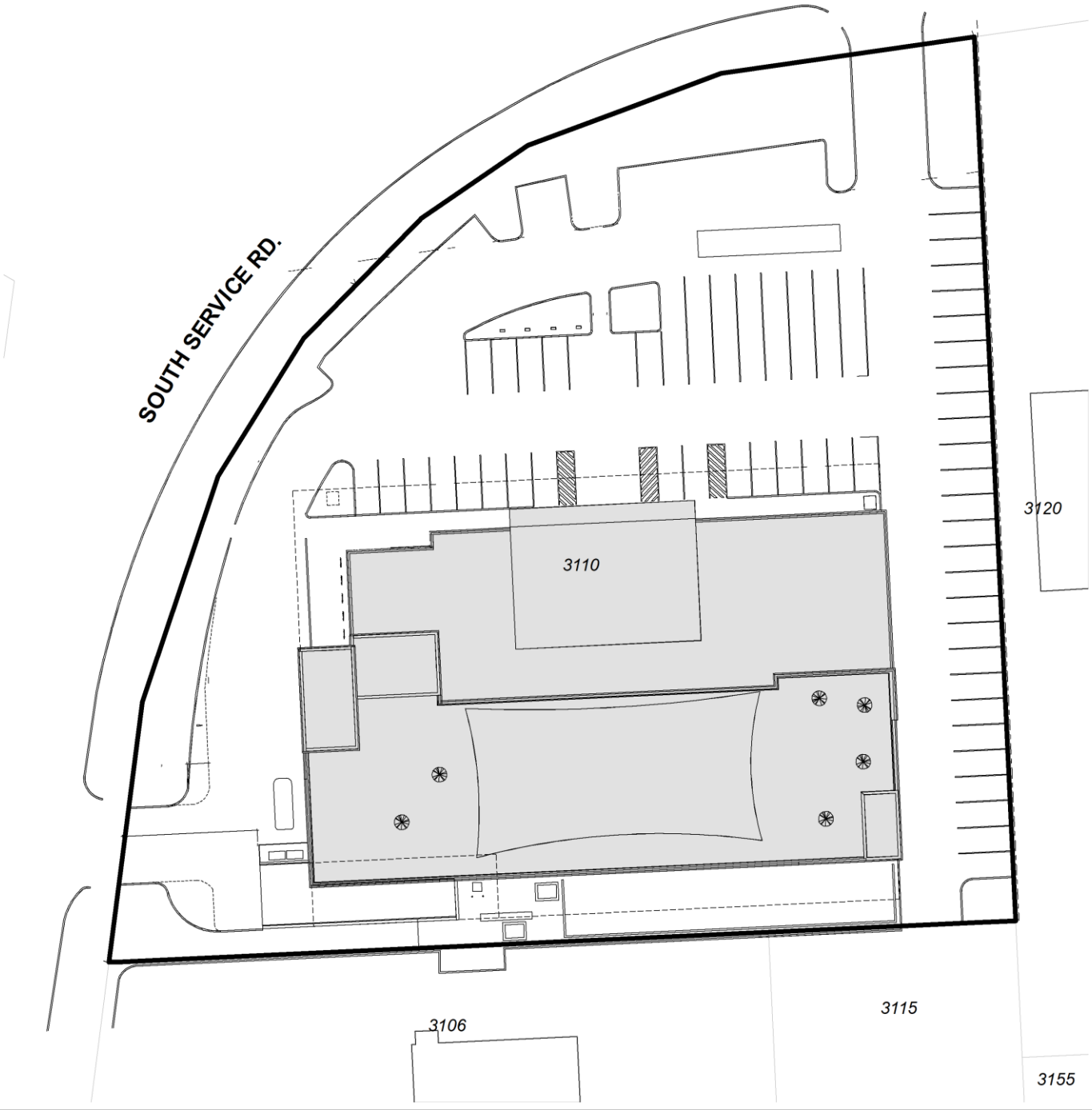
TERANET CITY OF Burlington

CONCEPT PLAN

3-storey office building including training facilities and an ancillary veterinary clinic

SUBJECT PROPERTY

File Nos. 505-04/22 & 520-05/22



Date: July 20, 2022
Community Planning Department

TERANET

Burlington

Da Silva, Mariana

From: Kristina Didiano [redacted]
Sent: Friday, September 2, 2022 10:35 AM
To: Da Silva, Mariana
Cc: Michael Shih
Subject: File 505-04/22 & 505-05/22 - 3110 South Service Rd

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning, Mariana.

I am contacting you on behalf of Emshih Developments Inc., owner of 3106 South Service Rd, adjacent to the above noted planning application.

We understand that the applicant has requested various amendments to the Zoning By-Law and Official Plan. Although we do not object to the amendments requested, we have concerns with the proximity of the proposed Dog Run area located at the rear of the proposed building, which is directly adjacent to our property. A restaurant is located on our property, and we are concerned with the potential noise impact from the Dog Run area (barking, etc.) and potential odours from urine and/or feces that may occur while animals are outdoors. This will negatively impact the business operation of the restaurant still recovering from the Covid-19 pandemic.

We would like the applicant to consider an alternative area for the proposed Dog Run area so to minimize any negative impact on our site.

Thank you and best regards,

Kristina Didiano, MES
Planner

Emshih Developments Inc.
895 Brant St, Suite 7
Burlington ON L7R 2J6

[redacted]

Note: Due to the ongoing pandemic, I am currently working remotely and can be reached via email or mobile phone.

AMENDMENT NO.131 TO THE OFFICIAL PLAN OF THE CITY OF BURLINGTON PLANNING AREA

CONSTITUTIONAL STATEMENT

The details of the Amendment, as contained in Part "B" of this text, constitute Amendment No.131 to the Official Plan of the City of Burlington Planning Area, as amended.

PART A – PREAMBLE

1. PURPOSE OF THE AMENDMENT

The purpose of this amendment is to permit an increased floor area ratio from 0.5:1 to 0.65:1 for the lands at 3110 South Service Road and to permit a maximum of 30% of the total floor area of the building to be constructed on the subject lands to contain an ancillary *service commercial* use to the permitted uses of a corporate head office and training facility.

2. SITE AND LOCATION

The subject lands are located on the south side of the South Service Road, east of Guelph Line. The subject lands are approximately 0.8 hectares in size and currently contain a vacant restaurant building.

Surrounding land uses consist of restaurants, hotels and general office uses.

3. BASIS FOR THE AMENDMENT

a) The application proposes land use that is consistent with the Provincial Policy Statement (PPS, 2020). The PPS promotes economic development and competitiveness by providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses.
b) Directing intensification within the City's built-up area and in proximity to transit and convenient access to stores, parks and services assists the City in achieving its intensification targets and meet the intent of the Provincial A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019) and the Region of Halton Official Plan.
c) The proposed development is located on lands with adequate infrastructure and in proximity to transit routes and Appendix B of PL-74-22 satisfies Official Plan policies to provide employment opportunities on underutilized lands.

d) The proposed redesignation of the property to permit an increase in floor area ratio for the proposed building and an increase in floor area percentage for the proposed *service commercial* use supports the City's Official Plan objective to encourage a wide range of employment uses including office and related ancillary uses while maintaining land use compatibility with the surrounding employment area.
e) The applicant submitted technical studies with the application that provide adequate and appropriate information to support the development.

PART B – THE AMENDMENT

1. DETAILS OF THE AMENDMENT

Map Change: None proposed.

Text Change:

The text of the Official Plan of the City of Burlington, as amended, is hereby amended as follows:

By adding Part III, 3.4.3 n) as follows:

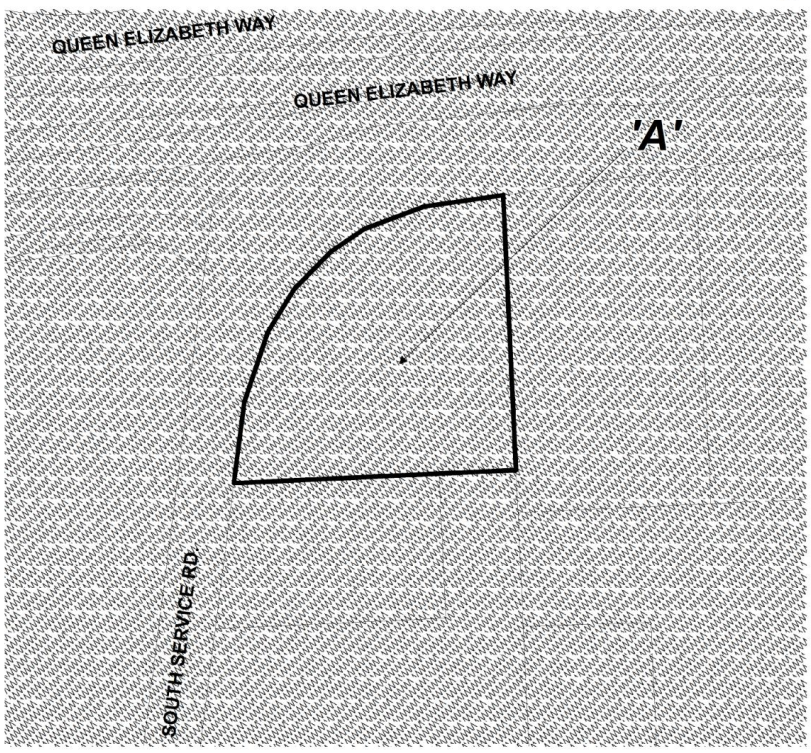
n) In addition to the uses permitted in Part III, Subsection 3.4.2 a) and e) of this Plan, the property at 3110 South Service Road *may* permit a veterinary clinic provided it forms a component of a building that includes a minimum total floor area of 2,600 square metres for office and training facility uses. The veterinary clinic portion of the subject building *may* occupy no more than 30% of the total floor area. Notwithstanding Part III, Subsection 3.4.2 b) of this Plan, a maximum of 0.65:1 *floor area ratio* may be permitted.

2. INTERPRETATION

This Official Plan Amendment shall be interpreted in accordance with the "Interpretation" policies of Part VI, Implementation, Section 3.0, Interpretation, of the Official Plan of the City of Burlington.

3. IMPLEMENTATION

This Official Plan Amendment will be implemented in accordance with the appropriate "Implementation" policies of Part VI, of the Official Plan of the City of Burlington.



Area 'A' to be redesignated from 'Business Corridor' to 'Business Corridor with site specific policy'

AMENDMENT No. 131 TO THE OFFICIAL PLAN OF THE BURLINGTON PLANNING AREA

MAP 1

File Nos. 505-04/22 & 520-05/22

Legend

Business Corridor

Date: November 11, 2022
Community Planning Department

APPENDIX E PL-74-22: Draft Zoning By-law

BY-LAW NUMBER 2020.448, SCHEDULE 'A' AND EXPLANATORY NOTE

THE CORPORATION OF THE CITY OF BURLINGTON

BY-LAW NUMBER 2020.448

A By-law to amend By-law 2020, as amended; 3110 South Service Road
File No.: 505-04/22 & 520-05/22 (PL-74-22)

WHEREAS Section 34(1) of the Planning Act, R.S.O. 1990, c. P. 13, as amended, states that Zoning By-laws may be passed by the councils of local municipalities; and

WHEREAS the Council of the Corporation of the City of Burlington approved Recommendation PL-74-22 on December 6, 2022 to amend the City's existing Zoning By-law 2020, as amended, to allow a three (3) storey office building including training facilities and a veterinary clinic fronting onto the South Service Road;

THE COUNCIL OF THE CORPORATION OF THE CITY OF BURLINGTON HEREBY ENACTS AS FOLLOWS:

1. Zoning Map Number 18-W of PART 15 to By-law 2020, as amended, is hereby amended as shown on Schedule "A" attached to this By-law.

2. The lands designated as "A" on Schedule "A" attached hereto are subject to Exception BC1-225 as amended by this by-law.

3. PART 14 of By-law 2020, as amended, Exceptions to Zone Classifications, is amended by replacing Exception BC1-225 with the following:

Exception 225	Zone BC1	Map 18-W	Amendment 2020.56 2020.448	Enacted Sept 18/00 Dec 13/22

1. Additional Permitted Use
   a) Veterinary Services containing a Training Facility
   b) Retail Sales of Pet foods and supplies

2. Regulations
   a) Yard abutting the South Service Road: 14 m
   b) Landscape Area abutting the South Service Road: 3 m
   c) Loading/Unloading activities can occur in a yard abutting the South Service Road
   d) Notwithstanding Part 3, Section 4.10 and Part 1, Section 2.2.3: Waste containers and/or garbage enclosures are permitted in a yard abutting the South Service Road
   e) Floor Area of Retail Sales of Pet foods and supplies: 28 m² maximum
   f) Floor Area of Veterinary Services containing a Training Facility: 51% maximum with a minimum 13% of the Floor Area devoted to the Training Facility use.
   g) Maximum Floor Area Ratio for all uses: 0.65:1

Except as amended, all other provisions of this By-law, as amended, shall apply

4 a) When no notice of appeal is filed pursuant to the provisions of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, this By-law shall be deemed to have come into force on the day it was passed

4 b) If one or more appeals are filed pursuant to the provisions of the Planning Act, as amended, this By-law does not come into force until all appeals have been finally disposed of, and except for such parts as are repealed or amended in accordance with an order of the Ontario Land Tribunal this By-law shall be deemed to have come into force on the day it was passed.

ENACTED AND PASSED this ……..day of …… 2022 .

_____MAYOR

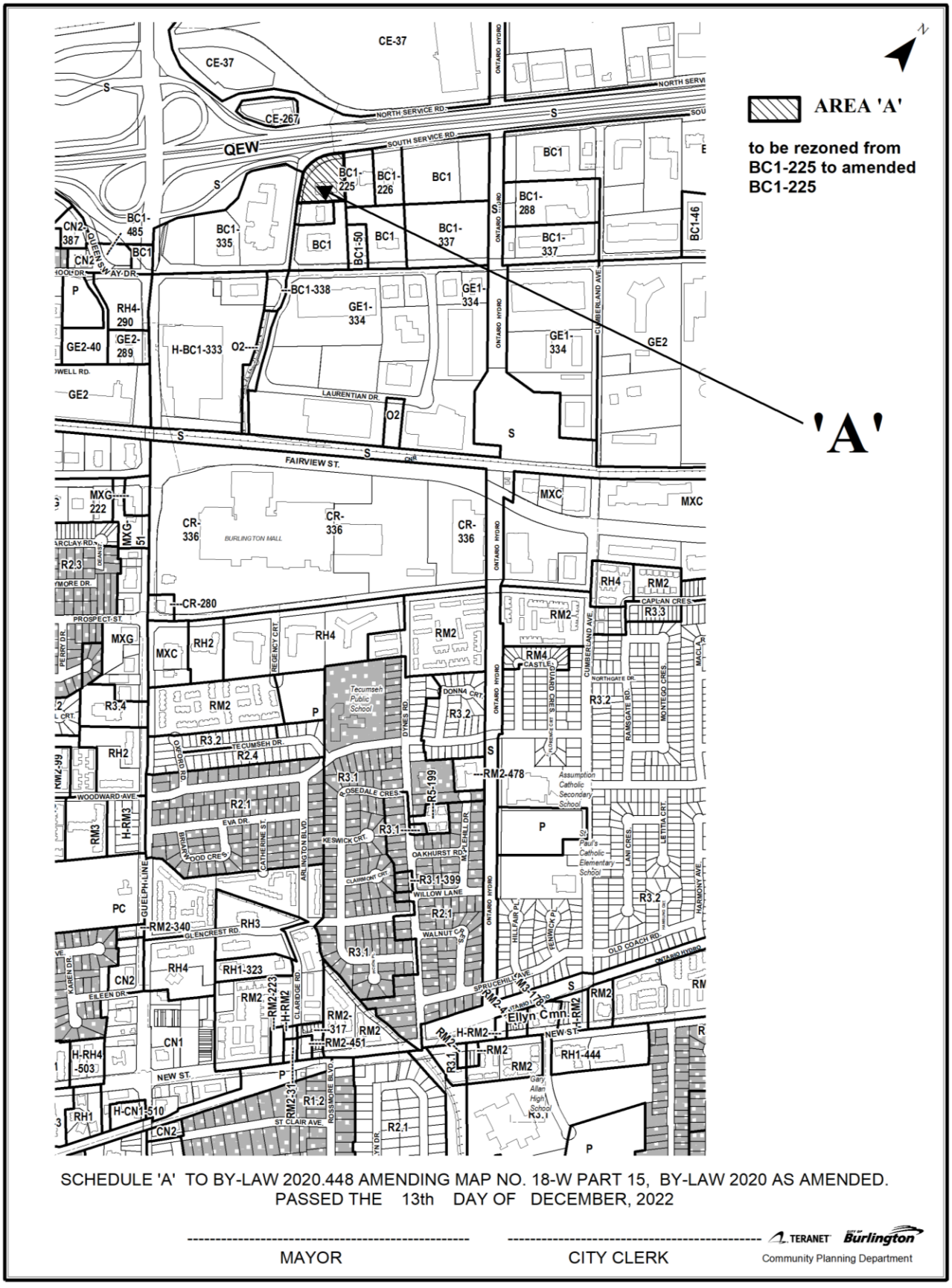
_____CITY CLERK

EXPLANATION OF PURPOSE AND EFFECT OF BY-LAW 2020.448

By-law 2020.448 rezones lands on 3110 South Service Road, to allow a three (3) storey office building including training facilities and a veterinary clinic fronting onto South Service Road.

For further information regarding By-law 2020.448, please contact Mariana Da Silva of the Burlington Community Planning Department at (905) 335-7600, extension 7536.

Schedule A



SCHEDULE 'A' TO BY-LAW 2020.448 AMENDING MAP NO. 18-W PART 15, BY-LAW 2020 AS AMENDED.
PASSED THE 13th DAY OF DECEMBER, 2022

---------- ----------

MAYOR CITY CLERK

TERANET Burlington
Community Planning Department

P3 VETERINARY PARTNERS
Pets. People. Practice.

CANADA BEST MANAGED COMPANIES

Great Place To Work. Certified NOV 2021 - OCT 2022 CANADA

City of Burlington Community Planning, Regulation and Mobility Committee meeting

December 6th, 2022

3110 South Service Road
Burlington, Ontario

To become home to:

- P3's Home Office
- Integrated OVC - UGuelph Training
- Emergency & Referral Medicine

P3 Veterinary Partners

MISSION To empower veterinary teams to live their passion and focus on unparalleled care for pets and the people who love them

VISION Striving to be the Best Place to Work in Veterinary Medicine

COMMUNITY Each clinic & team are consistent supporters of local causes

Our "local" strategy is working. We are the largest Canadian Owned & Operated Group of Veterinary Clinics

FACTS

- Founded in 2015, P3 has been Great Place to Work Certified since inception
- Named one of Canada's Best Managed Companies by Deloitte
- Home Office in Oakville ON, and moving to Burlington ON
- Employ over 650 associates
- Our group of 55 clinics is on track to grow beyond 100 clinics by 2025

Ontario Veterinary College
University of Guelph

- Consistently ranked in the **Top 5 veterinary schools in the world (QS)**
- Only academic training centre in Ontario for veterinarians and specialists
- Goal: to better prepare graduates for the veterinary practice of the present and future
  - Increasing demand for training in primary care, urgent and emergency care, and specialist training
  - Increasing class size means more clinical exposure is required
- OVC wishes to partner with a nearby high-quality high-volume emergency and referral clinic to give trainees real-world experience
  - Improve range of technical and non-technical competencies at graduation

P3 Veterinary Partners & OVC - University of Guelph

Burlington and 3110 South Service Road are Important to us:

- Ideal location for P3's **Home Office and Training Centre** as we continue to grow
- **Strategic and Central** location to serve GHTA-Guelph-Niagara
- 3110 South Service Road has the combination of neighbourhood and highway access that makes it the ideal location for a **Centre of Excellence**
- **Real-World Training** is central to providing **more and better care** to Patients and "Pet Parents"
- **Emergency and Referral Medicine is underprovided** in the GTHA

Proposed Official Plan and Zoning By-Law Amendment

- Demolish existing Mother Tuckers Restaurant. Proposal for a three storey building with roof terrace. GFA – 5045.25 m^2 (54,306.63 sq ft)

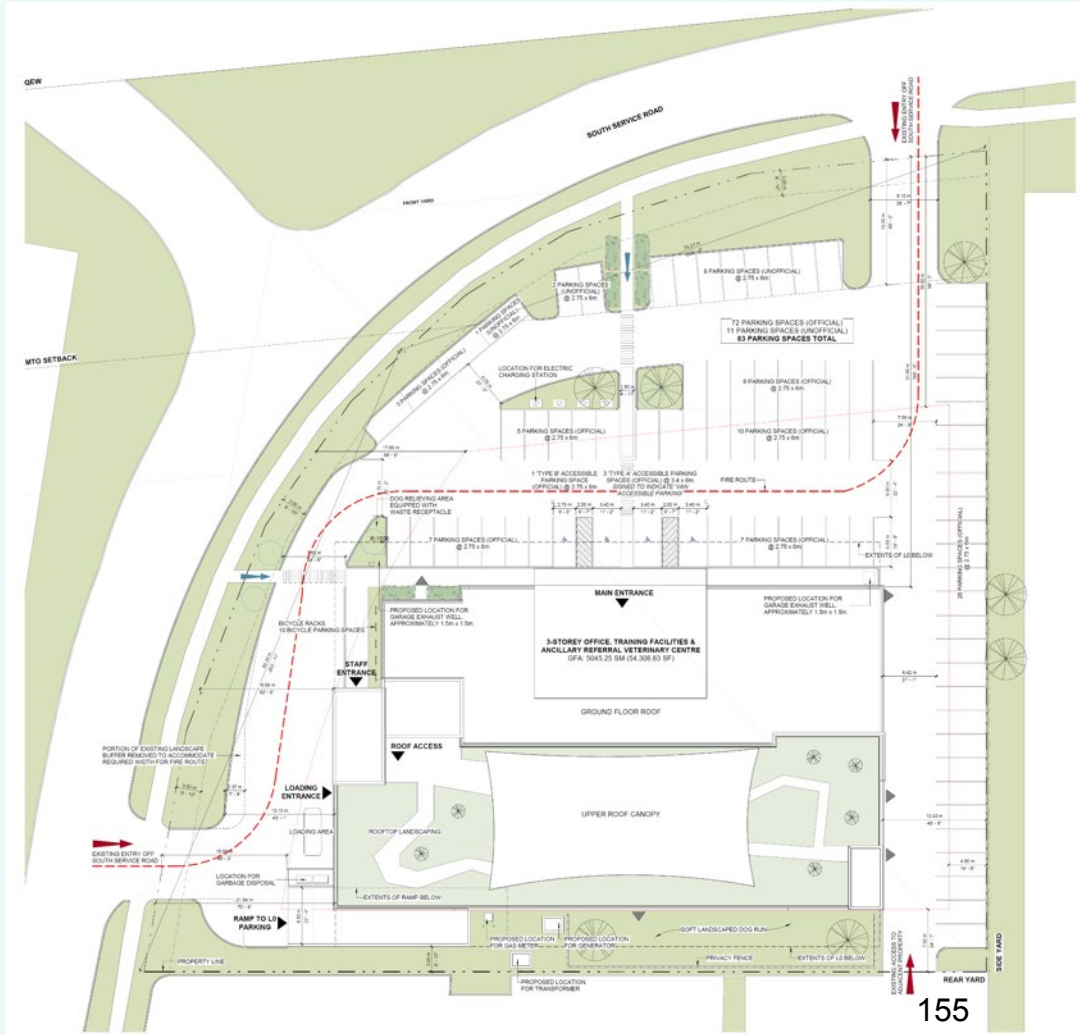
- Official Plan Amendment to permit an accessory veterinary clinic with a floor area not exceeding 30% of total building GFA in conjunction with a permitted use of a prestige head office with a training facility. The FAR is to be increased from 0.5 to 0.63.

- Zoning By-law Amendment to BC1-225 to permit an FAR of 0.63 (0.5 is permitted) and to permit a veterinary clinic with a floor area of a maximum of 30% of the total building GFA as an ancillary use.

3110 South Service Road Location Plan

3110 South Service Road Concept Rendering

3110 South Service Road
Concept Site Plan



1 SITE PLAN
1 : 200

SCHEDULE - AREAS BY LEVEL			
	AREA		
LEVEL	SM	SF	%
LEVEL 0	208.12 m²	2,240.19 ft²	4.13%
LEVEL 1	2195.78 m²	23,635.22 ft²	43.52%
LEVEL 2	1320.90 m²	14,218.09 ft²	26.18%
LEVEL 3	1320.44 m²	14,213.13 ft²	26.17%
	5045.25 m²	54,306.63 ft²	100%

SCHEDULE - TOTAL BUILDING AREA			
	AREA		
TYPE	SM	SF	%
1. OFFICE	2098.47 m²	22,587.78 ft²	41.59%
2. TRAINING	664.68 m²	7,154.57 ft²	13.17%
3. VET	1394.28 m²	15,007.9 ft²	27.64%
4. BUILDING SERVICES	887.82 m²	9,556.38 ft²	17.6%
	5045.25 m²	54,306.63 ft²	100%

PARKING CALCULATIONS BY FUNCTION TYPE			
ZONING TYPE	PARKING REQUIREMENT	AREA (SM)	SPACES REQUIRED
OFFICE	3 SPACES / 100 SM	2098.47 m²	62.95
TRAINING	5 SPACES / 100 SM	664.68 m²	33.23
VET	4 SPACES / 100 SM	1394.28 m²	55.77
			151.96

PARKING QUANTITIES BY LEVEL			
TYPE	LEVEL 0	GRADE	TOTAL
VEHICLE (OFFICIAL)	80	72	152
VEHICLE (UNOFFICIAL)	0	11	11
BICYCLE	24	10	34

SITE STATISTICS		
	REQUIRED	PROVIDED
ZONING	BC1-225	-
MIN. REAR YARD SETBACK	7.5 m	7.5 m
MIN. SIDE YARD SETBACK	4.5 m	12.4 m
MIN. SETBACK FOR YARD ABUTTING OTHER STREETS HAVING A DEEMED WIDTH 26M OR GREATER	15 m	16 m
MIN. SETBACK FOR YARD ABUTTING A STREET ADJACENT TO THE QEW/403	30 m	51.6 m
MIN. LANDSCAPE AREA ABUTTING A STREET ADJACENT TO QEW/403	15 m	15 m
MIN. LANDSCAPE AREA ABUTTING A STREET HAVING A DEEMED WIDTH OF 26M OR GREATER	6 m	6 m - 15 m
MIN. LOT WIDTH / AREA ABUTTING A STREET ADJACENT TO THE QEW/403	60 m / 0.8 HA	74.21 m / 0.8 HA
MAX. FLOOR AREA RATIO	0.5:1	0.63:1
BUILDING HEIGHT	No maximum building height	19 m
BUILDING GROSS FLOOR AREA	-	5045.25 m²
HARDSCAPING AREA	-	300 m²
LANDSCAPING AREA	-	1950 m²
ASPHALT AREA	-	3580 m²
BICYCLE PARKING	-	34 bicycle parking spaces provided. Located at grade and Level 0.
ACCESSIBLE PARKING	6 (3 'TYPE A' & 3 'TYPE B')	6 (3 'TYPE A' & 3 'TYPE B')

SITE PLAN LEGEND

- PROPERTY LINE
- ZONING REQUIRED SETBACKS
- VEHICLE ACCESS
- PEDESTRIAN ACCESS
- POINT OF ENTRY
- EXIT
- **CROSSWALK**
  PEDESTRIAN CROSSINGS TO INCLUDE CURB CUT WITH TWSI'S.
- **ACCESS AISLES**
  ACCESS AISLES ARE TO BE CLEARLY IDENTIFIED THROUGH APPROPRIATE LINE PAINTING.
  ACCESS AISLES FOR BF PARKING SPACES AT GRADE ARE TO INCLUDE A CURB RAMP AND TACTILE WALKING SURFACE INDICATOR (TWSI) LEADING TO THE WALKWAY ENTRANCE.
- RAISED WALKWAY
- LANDSCAPE BUFFER
- ROOFTOP LANDSCAPING
- FIRE ROUTE
- **GUIDE DOG HANDLER TURNING RADIUS**
  MINIMUM 1500mm LEASH RADIUS

3110 South Service Road
Proposed Building Elevations

3110 South Service Road
Background Studies Undertaken

+ Arborist Report
+ Urban Design Brief
+ Flood Plain Study
+ Geotechnical Study
+ Environmental Assessment
+ Landscape Design
+ Traffic Impact Study
+ Parking Study
+ Grading and Servicing Study
+ Stormwater Management Study
+ Acoustical & Noise Study

3110 South Service Road Concept Rendering

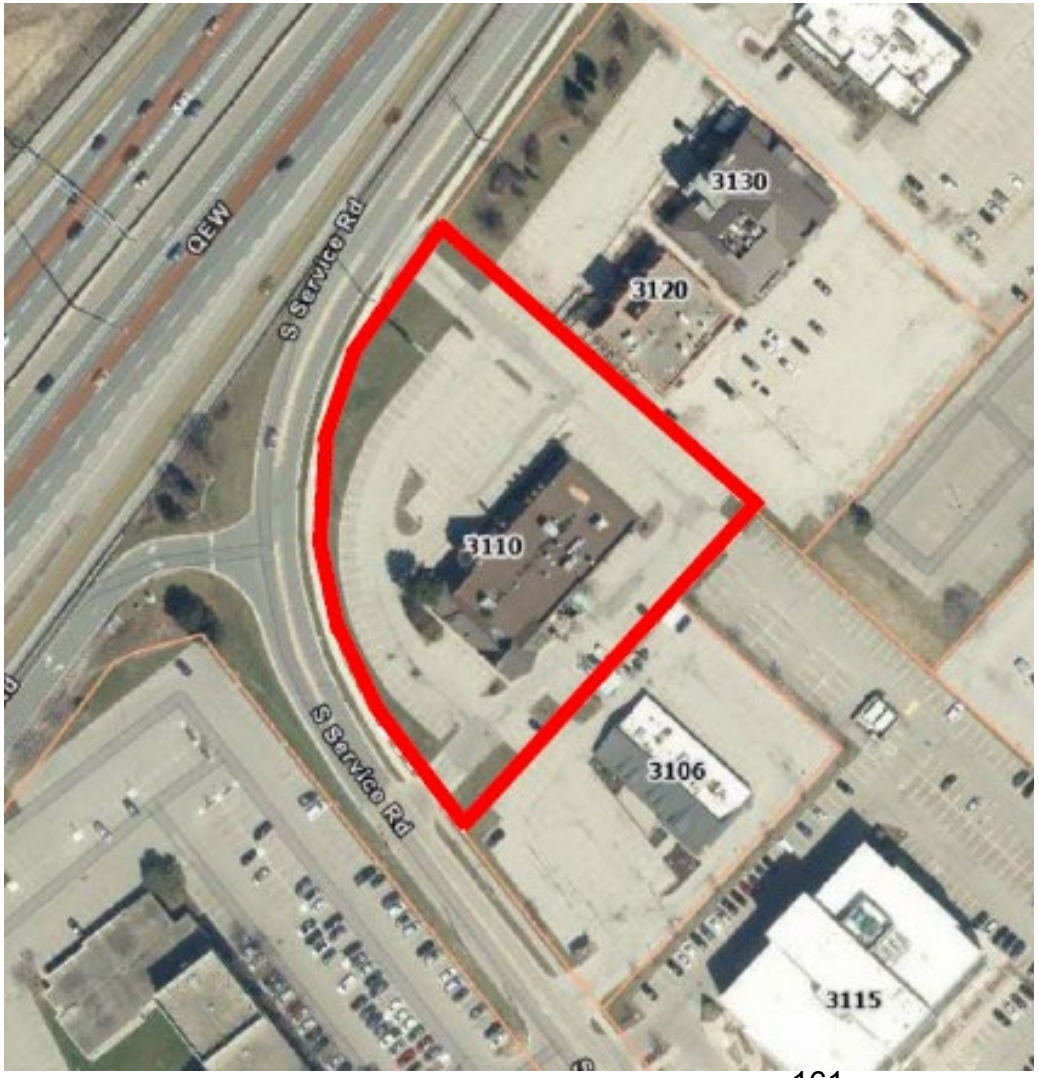
Thank you

Recommendation Report
Applications to amend the Official Plan and Zoning By-law

Applicant: Ruth Victor & Associates
Addresses: 3110 South Service Road
File: 505-04/22 & 520-05/22
Date: December 6, 2022
Report: PL-74-22

CITY OF Burlington

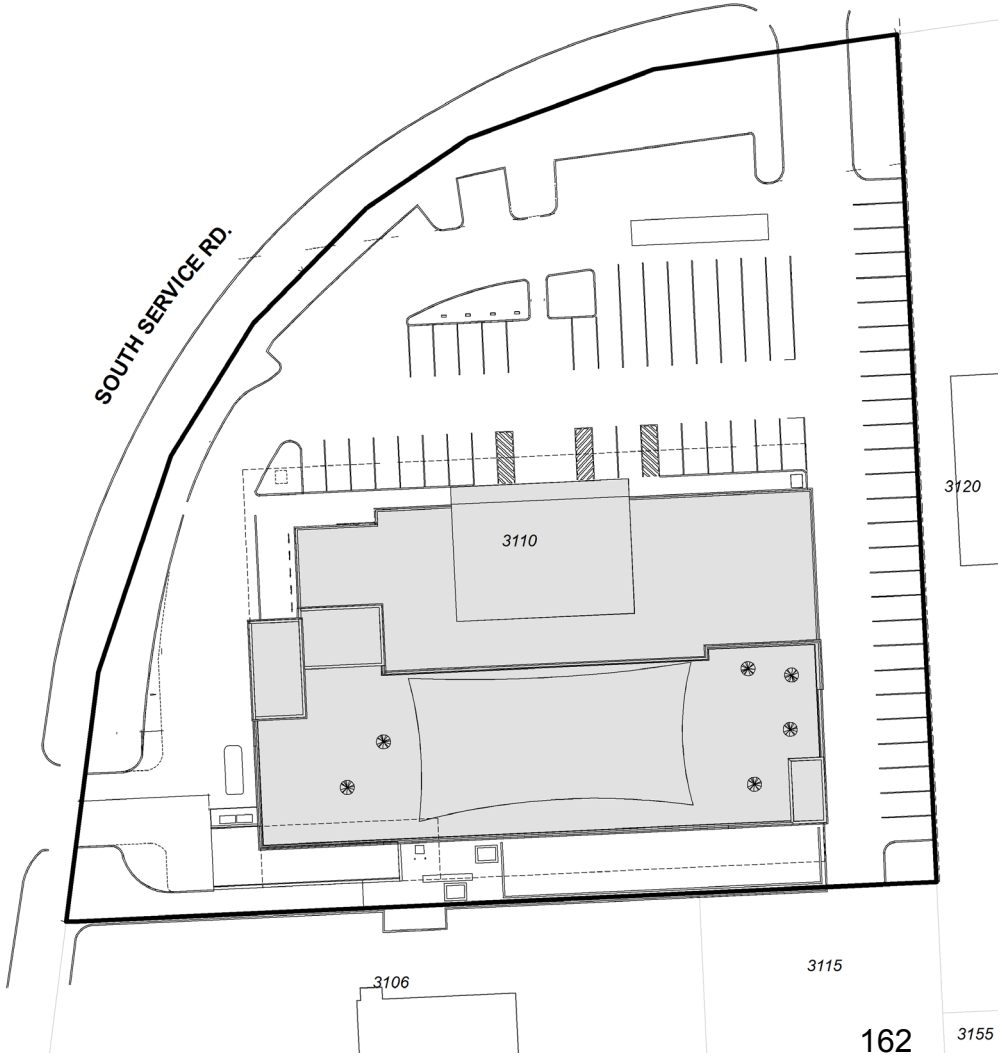
Overview of Development Site



Site Area: 0.80 hectares

CITY OF Burlington

The Application



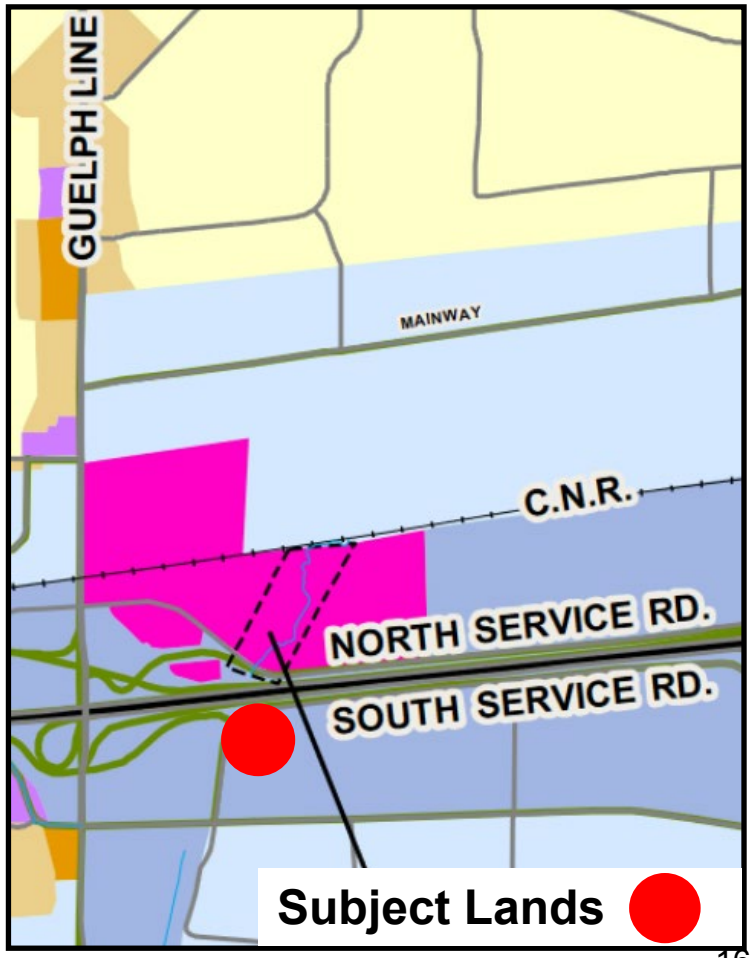
- To permit a three (3) storey office building with a total floor area of 5,045m² including training facilities and a veterinary clinic fronting onto South Service Road
- 162 vehicle parking spaces (80 underground and 82 at grade)
- 34 bicycle parking spaces.

CITY OF Burlington

Policy Context

- Planning Act
- Provincial Policy Statement (PPS), 2020
- A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020)
- Halton Region Official Plan (ROP)
- City of Burlington Official Plan
- City of Burlington Zoning By-law 2020

Burlington Official Plan
(1997, as amended)

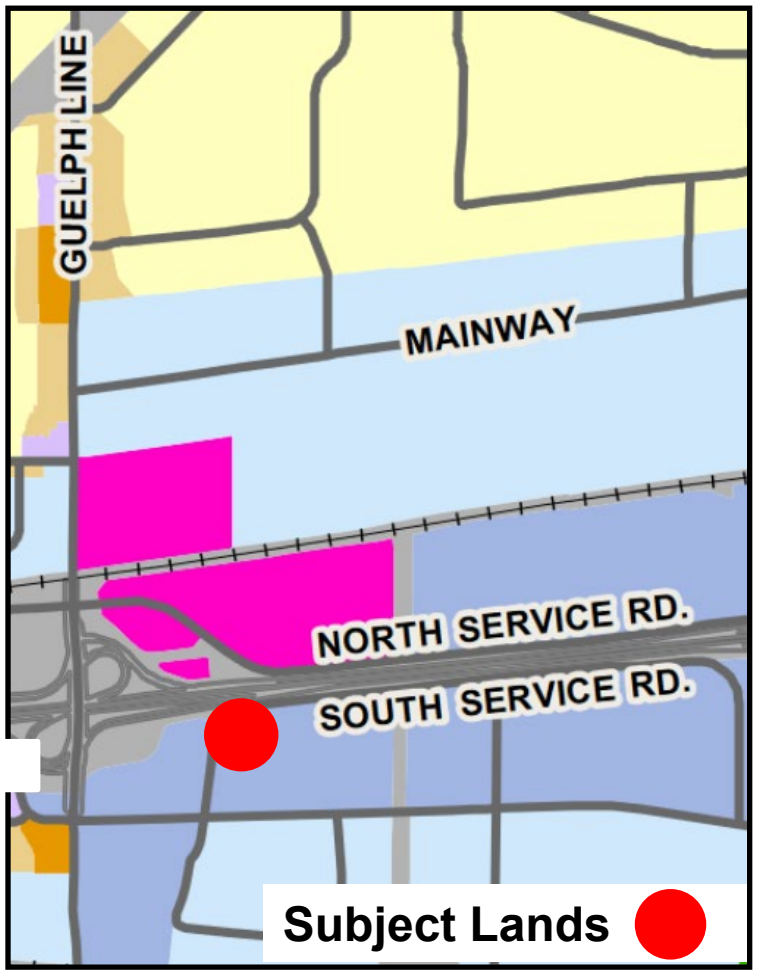


Current Official Plan Designation:
Business Corridor

Business Corridor

CITY OF Burlington

Burlington New Official Plan (2020)

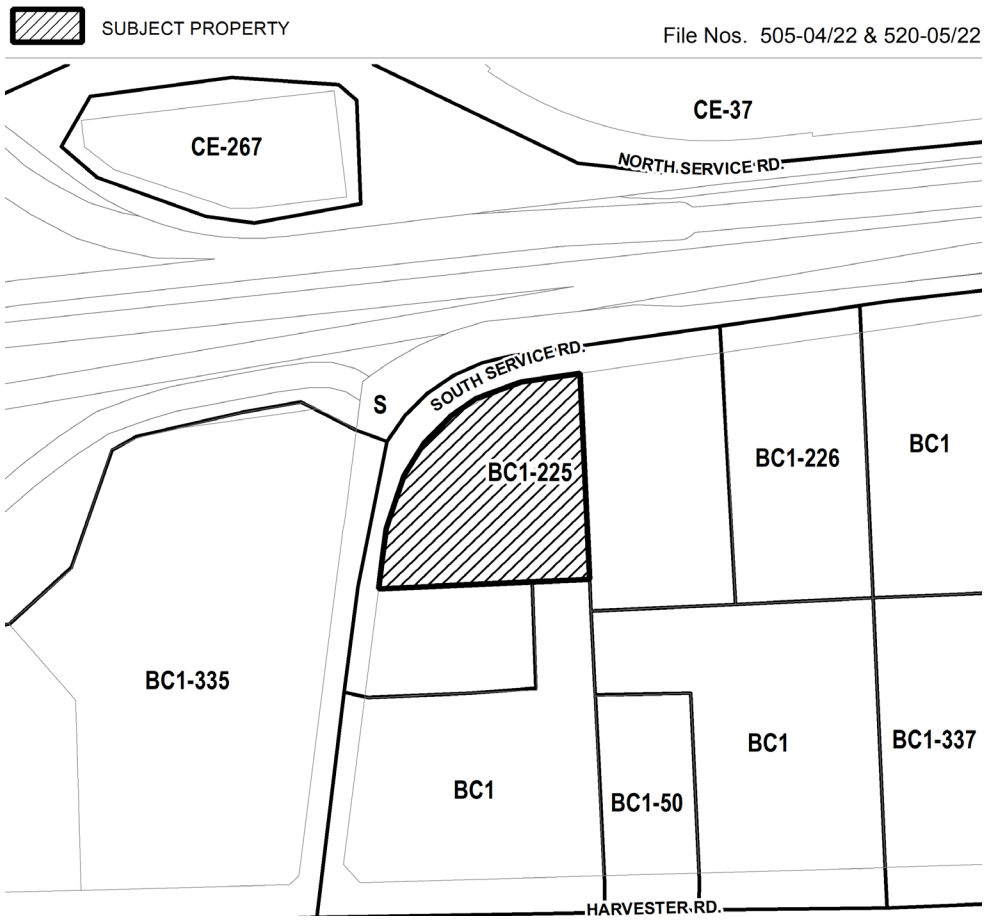


New Official Plan Designation:
Business Corridor

Business Corridor

CITY OF Burlington

Burlington Zoning By-law



Existing zoning:

Business Corridor (BC1-225)

- Zoning exception number 225 describes that a Night Club is a prohibited use and Footnote (f) to Table 2 of Part 3 – Employment Zones shall not apply to standard restaurants.
- Proposing to amend the BC1-225 zoning of the site to allow for the proposed use.

CITY OF Burlington

Burlington Official Plan
(1997, as amended)

Requested Official Plan Amendment

- Increased floor area ratio from 0.5:1 to 0.65:1.
- Increase floor area for the ancillary veterinary clinic employment use from 15% to 30% percent

Burlington Zoning By-law

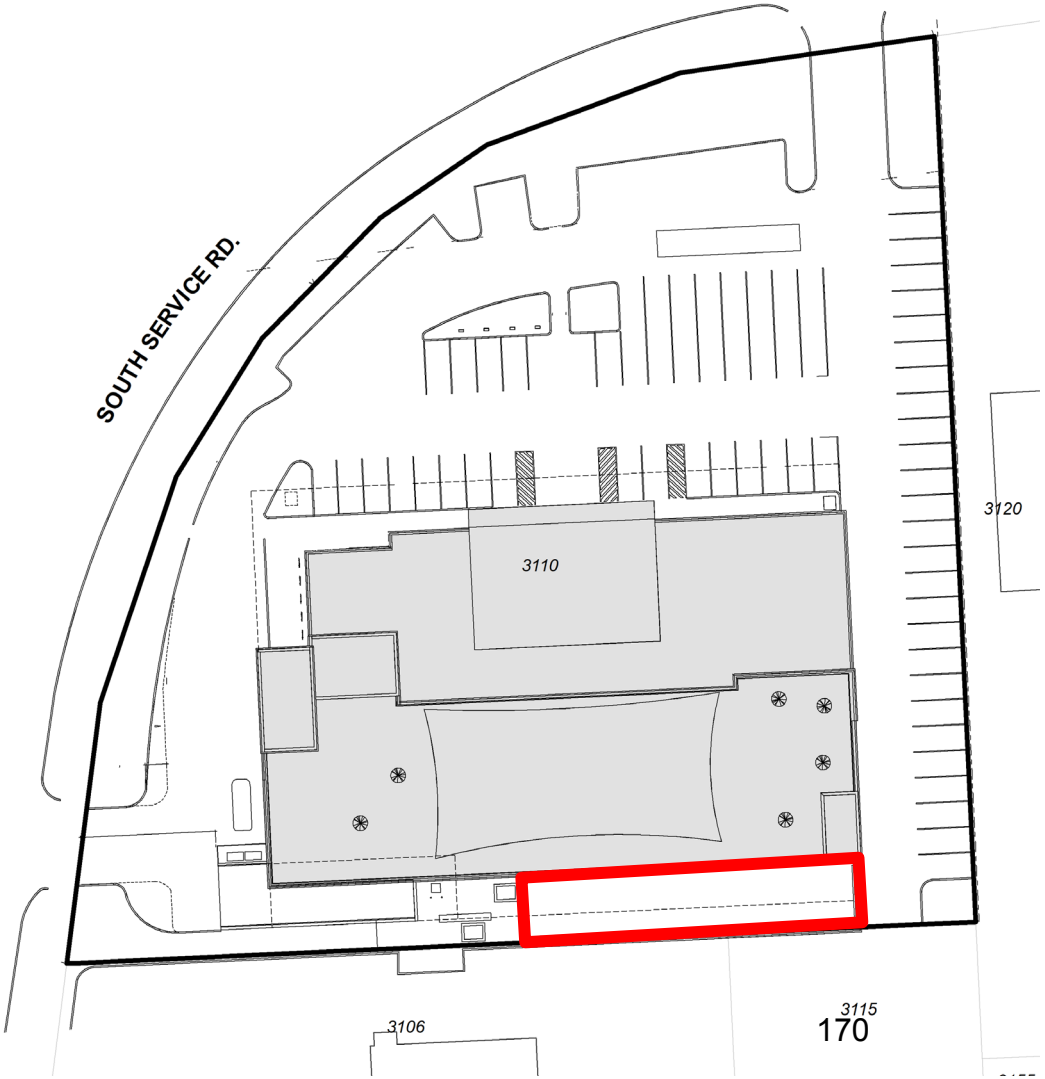
Existing Zoning: BC1-225	
Regulations:	• Limited Service Commercial / Retail • Yard abutting South Service: 30 m • Landscape Area abutting South Service: 15 m • Loading / Unloading activities and waste containers / garbage enclosures not permitted in a yard abutting South Service • If Principal use is an Office Use, Maximum Floor Area Ratio for all uses: 0.5:1
Requested Zoning: BC1-225 (as will be amended)	
Regulations:	• Veterinary Services with Training Facility • Retail Sales of Pet foods/supplies up to 28 m² • Yard abutting South Service: 14 m • Landscape Area abutting South Service: 3 m • Loading / Unloading activities and waste containers / garbage enclosures permitted in a yard abutting South Service • Floor Area of Veterinary Services with Training Facility: 51% maximum with a minimum 13% of the Floor Area devoted to the Training Facility use. • Maximum Floor Area Ratio for all uses: 0.65:1

Public Consultation

- A virtual Pre-Application Community Meeting to present the original proposal was held on March 7, 2021
- Notice signs have been posted on the subject lands
- A public notice of the Zoning By-law amendment application and today's meeting details have been mailed to 95 members of the public.
- One (1) written public comment has been received by staff with respect to the subject application since the writing of the report.

CITY OF Burlington

Summary of Public Comments



Dog Run Area

CITY OF Burlington

History of Application and Recommendation

- September 13, 2022 – Statutory Public Meeting
    - Recommendation to continue to work with applicant
- Technical and public comments have been received, and a fulsome review and analysis has been completed based on the applicable planning policies. Staff therefore recommends approval of the application.

Da Silva, Mariana

From: Kristina Didiano [redacted]
Sent: Wednesday, November 30, 2022 1:24 PM
To: Da Silva, Mariana
Cc: Michael Shih
Subject: RE: File 505-04/22 & 505-05/22 - 3110 South Service Rd

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon, Mariana.

I am contacting you on behalf of Emshih Developments Inc., owner of 3106 South Service Rd.

I understand that staff will be recommending approval of the development application for 3110 South Service Rd. on Dec 6th.

Our concerns provided in our previous written submission received on Sept. 2nd in the email below still apply as it does not appear that any alterations to the dog run area at the rear of the building appear to be made to mitigate any potential noise or odours that may negatively impact the restaurant tenant on our property.

We would like staff and the applicant to consider an alternative area or mitigative measures to reduce any impacts to our site.

Best regards,

Kristina Didiano MES, BA
Development Manager

Emshih Developments Inc.
895 Brant Street, Suite 7
[redacted]

From: Kristina Didiano
Sent: September 2, 2022 10:35 AM
To: mariana.dasilva@burlington.ca
Cc: Michael Shih [redacted]
Subject: File 505-04/22 & 505-05/22 - 3110 South Service Rd

Good morning, Mariana.

I am contacting you on behalf of Emshih Developments Inc., owner of 3106 South Service Rd, adjacent to the above noted planning application.

We understand that the applicant has requested various amendments to the Zoning By-Law and Official Plan. Although we do not object to the amendments requested, we have concerns with the proximity of the proposed Dog Run area located at the rear of the proposed building, which is directly adjacent to our property. A restaurant is located on our property, and we are concerned with the potential noise impact from the Dog Run area (barking, etc.) and potential odours from urine and/or feces that may occur while animals are outdoors. This will negatively impact the business operation of the restaurant still recovering from the Covid-19 pandemic.

We would like the applicant to consider an alternative area for the proposed Dog Run area so to minimize any negative impact on our site.

Thank you and best regards,

Kristina Didiano, MES
Planner

Emshih Developments Inc.
895 Brant St, Suite 7
Burlington ON L7R 2J6

[redacted]

Note: Due to the ongoing pandemic, I am currently working remotely and can be reached via email or mobile phone.

SUBJECT: Eligibility of 795 Brant Street for Heritage Designation

TO: Mayor and Members of Council

FROM: Community Planning Department

Report Number: PL-80-22

Wards Affected: 2

File Numbers: N/A

Date to Committee: December 6, 2022

Date to Council: December 13, 2022

Recommendation:

State an intention to designate the property at 795 Brant Street under Part IV, Section 29 of the Ontario Heritage Act in accordance with the Heritage Evaluation of 795 Brant Street prepared by AECOM, dated November 23, 2022; and

Direct the Director of Community Planning to provide notice of Council's intention to designate 795 Brant Street, in accordance with section 29 (3) and 29 (4) of the Ontario Heritage Act; and

Direct the City Clerk to present the draft designation by-law to Council for approval within 120 days after the date of publication of the notice of intention to designate 795 Brant Street, provided there is no objection or withdrawal; and

Direct the City Clerk to take the necessary actions in the event of any objection to the notice of intention to designate pursuant to Part IV of the Ontario Heritage Act, sections 29 (5) and 29 (6).

PURPOSE:

The purpose of this report is to provide information, analysis and a recommendation regarding the eligibility of 795 Brant Street for heritage designation under section 29 of the *Ontario Heritage Act* (OHA) based on a Heritage Evaluation of 795 Brant Street by AECOM, dated November 23, 2022 (See Appendix A). The report also presents the Heritage Burlington Advisory Committee's recommendation about the property from their special meeting on November 22, 2022.

Vision to Focus Alignment:

- Increase economic prosperity and community responsive city growth

---

Background and Discussion:

On October 21, 2021, Camarro Developments Inc. held a pre-application community meeting to gather public input on their proposal to redevelop 789-795 Brant Street with a 31-storey mixed-use building. The 2-storey heritage building at 795 Brant Street was not included in the proposal and would have to be demolished.

Heritage Burlington became aware of the pending development application and made the following motion at their March 9, 2022, meeting:

> *Heritage Burlington recommends that the property at 795 Brant Street be added to the Municipal Register.*

The recommendation was based on a site visit and heritage assessment of the property by the "Evaluations Subcommittee" of Heritage Burlington (See Appendix B).

On June 21, 2022, City Council added 795 Brant Street to the Heritage Register and directed the Director of Community Planning to contact the owner about conserving portions of the building and to retain a consultant to complete a third-party heritage evaluation and statement of significance. The full wording of the motion is below:

> *Direct the Director of Community Planning to add 795 Brant Street to the Municipal Heritage Register and provide notice to the owner of the property within 30 days, pursuant to section 27(5) of the Ontario Heritage Act, R.S.O. 1990, c. O.18; and*
>
> *Authorize the City Clerk to take necessary action if there are any objections in accordance with Section 27(7) of the Ontario Heritage Act, R.S.O. 1990, Chapter 0.18; and*
>
> *Direct the Director of Community Planning to contact the property owner to discuss the conservation of the original portions of the 2-storey masonry building on the property as part of a future development; and*
>
> *Direct the Director of Community Planning to retain a qualified heritage consultant to complete a third-party heritage evaluation and a statement of significance of 795 Brant Street.*

In July 2022, staff met with the owner's applicant team and recommended that the front portion of 795 Brant Street be incorporated into the development.

On September 21, 2022, the City received applications for an Official Plan and Zoning By-law Amendment for 789-795 Brant Street proposing the redevelopment of the property with a 31-storey mixed-use building containing 356 new residential units and 485 square metres of retail at grade. The heritage registered building is not depicted as part of the development, and the applicant has submitted a Heritage Impact Assessment by ATA Architects Inc., arguing that the building does not qualify for heritage designation.

The City has 90 days to issue a notice of intention to designate after it determines an Official Plan or Zoning By-law Amendment application is complete (See Section 29 (1.2) of the OHA). The determination as to whether or not an application is deemed complete is due 30 days after application submission. If the City does not issue the notice in 90 days after a determination of completeness, it loses the ability to designate the property. The deadline for the determination of completeness for these applications fell on October 21, 2022. Therefore, the City would lose its ability to heritage designate 795 Brant Street if the notice of intention to designate is not provided on or prior to January 19, 2023.

On November 8, 2022, the owner submitted a demolition clearance form to the Community Planning Department. The form is a screening tool submitted before a demolition permit, which identifies approval requirements from other departments and outside agencies. The demolition clearance form technically qualifies as a notice of intent to demolish and starts the 60-day notice period, which expires on January 8, 2023.

On November 8, 2022, City Council authorized the Director of Community Planning to convene a meeting of the Heritage Burlington Advisory Committee before November 29, 2022, to obtain their recommendation regarding the eligibility of 600 Brant Street and 795 Brant Street for heritage designation. City Council directed staff to report back to the December 13, 2022 City Council meeting with a recommendation concerning the eligibility of 795 Brant Street for heritage designation.

On November 22, 2022, the Heritage Burlington Advisory Committee met and considered the eligibility of 795 Brant Street for heritage designation.

Strategy/process

Heritage Designation Process

Under Part IV of the OHA, the City can designate a property using a municipal bylaw provided that the property meets prescribed criteria for determining whether a property is of cultural heritage value or interest. There are nine prescribed criteria found in Ontario Regulation 9/06 and organized into three categories of heritage value:

1. Design/physical value;
2. Historical/associative value; and
3. Contextual value.

If the property meets at least one of the criteria, a statement is prepared defining the property's heritage value, its character-defining heritage attributes and how each attribute contributes to the cultural heritage value or interest of the property. The municipal heritage committee must be consulted before Council can issue a "notice of intention to designate", which is served on the owner and published in a newspaper. A municipality's intention to designate is subject to appeal by a property owner. However, this notice voids any permit to alter or demolish the property, until the matter is appropriately resolved.

Once the designation process is completed, the owner must receive Council permission to demolish their building or alter the property's heritage attributes. Through the Delegated Authority By-law (By-law 07-2022, Schedule C), Council has delegated to Community Planning staff the authority to approve heritage permits for alterations. Only Council may refuse a heritage permit for alteration or decide if it should be demolished or removed.

Eligibility of 795 Brant Street for Heritage Designation

The heritage consultant evaluating 795 Brant Street reviewed it against all nine possible designation criteria under all three categories of heritage value (See pages 54-59, Appendix A). The consultant concluded that the property met six out of nine criteria required for heritage designation:

The Property has Design or physical value because it:

i. **Is a rare, unique, representative, or early example of a style, type, expression, material or construction method**.
   - The structure at 795 Brant Street is an early example of a brick-built vernacular Georgian style two-storey house.
   - The building retains its form, scale, massing and fenestration of the front façade. It has a symmetrical three-bay façade expressive of the Georgian style. Other characteristics of the style include the gable ended roof with chimneys, transom window above the door and flat or jack-arched rectangular windows. The house was made with brick manufactured on the property.

ii. **Displays a high degree of craftsmanship or artistic merit**
   - The house located at 795 Brant Street was constructed by a master builder, James Cushie Bent, and brickmaker and mason, Jabez Bent, and therefore displays a high degree of craftsmanship for its era as a substantial brick structure. In particular, the original 53-acre property with this house included a brickyard, and the house would have been made from the hand-made

bricks manufactured on-site. The brick is laid on the façade in Flemish bond which took a skilled bricklayer, such as Jabez Bent, to execute.

The property has Historical or Associative Value because it:

i. Has direct associations with a theme, event, belief, person, activity, organization, or institution that is significant to a community

- 795 Brant Street has historical value with direct associations with a theme and persons (James Cushie Bent, Jabez Bent, Frederick Bray, William Ghent) who are significant to the community of Burlington.
- Despite the changes to the property over the last century, 795 Brant Street.
- is a physical reminder of the significant role that the Bent, Bray, Ghent, and Harmon families made in Burlington's early industries of building and market gardening.
- The property is associated with its builder Jabez Bent, a brick mason, who ran a brickyard on the 53-acre property. He earned a sterling reputation as a craftsman in the community. His brother James Cushie Bent, was a master builder with an aptitude for joinery. Both Bent brothers contributed to the development of Burlington and built several notable structures, including the Queen's Hotel located at 400 Brant Street.
- In 1859, Jabez Bent sold the 53-acre property containing the two-storey brick house to Frederick Bray, a farmer and small fruit grower who resided there until 1896. William Ghent, a third generation descendent of the Ghent family, purchased the 53-acre property from Frederick Bray in 1896. After that, Ghent continued operating the fruit farm established by Bray on the property. Under William Ghent, the agricultural output of the 53-acre property, of what became known as "Maple Lodge", was substantial, and it featured extensive orchards. The farm at 795 Brant Street contributed significantly to the nineteenth century market garden industry in Burlington.

ii. Yields or has the potential to yield information that contributes to an understanding of a community or culture.

- The history of the property at 795 Brant Street yields information about the lives of the masons, builders, and the farmers of market gardens who played a significant role in the development of Burlington.
- The property at 795 Brant Street played a significant role in the City of Burlington's brickmaking and market garden industries.

iii. Demonstrates or reflects the work or ideas of an architect, artist, builder, designer, or theorist who is significant to a community.

- Between 1854-1855, the brothers Jabez and James Cushie Bent constructed the original two-storey Georgian style brick house on a 53-acre parcel of land containing 795 Brant Street which is a demonstration of their work in the community of Burlington. Jabez Bent, a brickmaker and mason and his brother, James Cushie Bent, a master builder, often collaborated and constructed buildings that remain standing in 2022, including two houses: 247 Malvern Road (moved from 466 Elizabeth Street) and 3265-3269 North Service Road, one hotel at 400 Brant Street (now The Queen's Head Pub), and a brick wall for the Union Burying Ground, all of which are remain extant in Burlington. Ultimately, the house at 795 Brant Street reflects the ideas of the Bent brothers, who brought from England a deep knowledge of their respective trades, which they used to assist in building up the local community during a pivotal time of development.

The property has *contextual value* because it:

i. Is a landmark.

- Although the house is screened by a variety of vegetation, it is seen by the community as a landmark at the corner of Brant and Prospect Streets, based on the community's interest outlined in the 1973 documentary *"The Eyes of Memory",* heritage reports since 1995 and the local newspaper, the Burlington Gazette. 795 Brant Street is one of three heritage properties currently within the City of Burlington that were nineteenth century fruit farms of early settlers that produced goods for the market garden industry.

The owner's heritage consultant ATA Architects Inc. prepared a Heritage Impact Statement ("HIS") (See Appendix C), for the property. The HIS states that the property meets four of nine possible criteria for heritage designation. On page 6 of the HIS, the consultant states that they proposed that the development should retain the original 1854 house facing Brant Street, however this recommendation was rejected. Page 85 states *"the building was built around the 1850s and is considered a rare built form in Ontario due to its early construction date".*

Despite multiple acknowledgements of the property's importance, the report suggests that the property should not be designated based on a rating system assessing how much heritage value the property has under each criteria using a scale of "None" to "Excellent". This ratings system is not found in the *Ontario Heritage Act* or in Ontario Regulation 9/06.

Options Considered

Option 1- State a Notice of Intention to Designate the Property (Recommended)

According to heritage consultants hired by the City and the owner, 795 Brant Street meets the test for heritage designation under section 29 (1) of the *Ontario Heritage Act*. It can feasibly be incorporated into the proposed development. Protection of the property is consistent with provincial policy directing that municipalities shall conserve significant built heritage resources (Provincial Policy Statement, 2020, policy 2.6.1) and Official Plan principles and policies respecting heritage conservation. Notably, Part II, Section 8.1(a) of the current in-force Official Plan states that: “cultural heritage resources of significant cultural heritage value shall be identified, and conserved.” Part II, Section 8.4.1 (a) of the Official Plan states: “all development shall consider cultural heritage resources and wherever feasible, incorporate these resources into any development plans in a way that conserves the character-defining elements of the cultural heritage resource.”

Option 2- Do not pursue heritage designation and remove property from the Heritage Register (Not Recommended)

Council could choose this option if it believes the building is too altered to be eligible for heritage designation or to facilitate the development, as proposed through the submitted development applications at 795 Brant Street. Staff do not recommend this option because multiple consultant studies have found that the heritage property meets the criteria for heritage designation despite its alterations. Provincial policy and the City’s Official Plan each contain policy direction and objectives supporting the conservation of significant built heritage resources like 795 Brant Street. In staff’s view, the heritage building can be incorporated into the development while leaving a significant portion of the site available for development and intensification.

Financial Matters:

Total Financial Impact

If the City chooses to heritage designate the property, the owner will have the right to appeal the designation to the Ontario Land Tribunal. Defending the designation would require the City to retain its heritage consultant AECOM to appear before the tribunal, creating additional costs for the City.

Source of Funding

Funding for a consultant to appear at the Ontario Land Tribunal would be drawn from the City's Operating Budget.

Other Resource Impacts

Not applicable.

Climate Implications

Not applicable.

Engagement Matters:

The Heritage Burlington Advisory Committee considered the matter at their special meeting of November 22, 2022. Their motion is below:

> *Whereas 795 Brant Street meets the criteria for determining cultural heritage value or interest under Ontario Regulation 9/06, the Heritage Burlington Advisory Committee recommends that City Council proceed to designate the property under section 29 of the Ontario Heritage Act*

Conclusion:

According to the City's heritage consultant AECOM and the owner's heritage consultant ATA Architects Inc., 795 Brant Street meets the test for heritage designation under section 29 (1) of the *Ontario Heritage Act*. The Provincial Policy Statement, 2020 and the City's Official Plan, 1997 each contain policies obligating the City to conserve cultural heritage resources of significant cultural heritage value. Based on the findings of the consultant teams and the applicable heritage conservation policies, staff recommend that Council state an intention to heritage designate 795 Brant Street.

Respectfully submitted,

John O'Reilly, MCIP, RPP
Planner II- Heritage
(905) 335-7777 ext. 7427

Appendices:

A. Heritage Evaluation of 795 Brant Street by AECOM, dated November 23, 2022.
B. Heritage Evaluation of 795 Brant Street by Heritage Burlington Advisory Committee, dated March 2022
C. 795 Brant Street Heritage Impact Statement by ATA Architects Inc. dated September 2022

Notifications:

Mr. Kyle Camarro
Brant Investment Holdings Inc.

Report Approval:

All reports are reviewed and/or approved by Department Director, the Chief Financial Officer and the Executive Director of Legal Services & Corporation Counsel.

AECOM

Cultural Heritage Evaluation Report: 795 Brant Street, Burlington, Ontario

City of Burlington

60693263

November 2022

Delivering a better world

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Quality information

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Impact Assessment and Permitting

Revision History

Revision	Revision date	Details	Name	Position
0	November 21, 2022	Draft CHER	Jake Harper/Tara Jenkins	Cultural Heritage Specialist/Senior Review
1	November 23, 2022	Final CHER, City staff comments	Tara Jenkins	Senior Cultural Heritage Specialist

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1. Introduction

1.1 Study Context

AECOM Canada Ltd. (AECOM) was retained by the City of Burlington to undertake a Cultural Heritage Evaluation Report (CHER) for the property at 795 Brant Street (the Subject Property) in the City of Burlington, Regional Municipality of Halton, Ontario.

In 1995, the house referred to as “Maple Lodge” at 795 Brant Street, underwent a heritage evaluation that concluded the property was eligible for designation. The 1995 research noted that the Georgian style house had been awarded a Burlington Historical Society plaque and was on the Inventory of Halton Heritage Features, compiled in 1981. It is unknown when the Subject Property was added to the Municipal Cultural Heritage Register, however building permit history suggests the property has been on the register since 1986.

In March 2014, triggered by a potential development proposal, a cultural heritage evaluation of 795 Brant Street was completed by completed by Archeological Research Associates Ltd. for the City of Burlington using the Municipal Heritage Register Property Evaluation form. It was determined through an evaluation of the property using Ontario Regulation 9/06 of the *Ontario Heritage Act* that the property should remain on the Municipal Cultural Heritage Register. Despite this recommendation, 795 Brant Street was removed from the Municipal Cultural Heritage Register in 2015 after an intent to demolish was submitted. Although City Council authorized the demolition of the building, it did not actually direct that the property be removed from the Heritage Register, and the motion did not state an opinion on the cultural heritage value of the property. To support the proposed development in 2015, David J. Cuming had completed a review of the former heritage evaluation process of the property and determined the property did not require further action with respect to its designation. However, demolition did not occur at that time.

In 2021, a proposal to redevelop 789-795 Brant Street was received, which reignited concerns about the building at 795 Brant Street. Ghent family descendants expressed concern over the potential demolition of the house at 795 Brant Street. In March 2022, the Heritage Burlington Advisory Committee (also referred to as Heritage Burlington or HBAC) completed an evaluation of 795 Brant Street utilizing Ontario Regulation 9/06 and it was recommended that the property be added back to the City of Burlington Municipal Cultural Heritage Register. City Council concurred with the Heritage Burlington Advisory Committee and gave direction in late June of 2022 to add 795 Brant Street back onto the Municipal Cultural Heritage Register as a non-designated property, which was also supported by City staff.

Currently, this CHER is being completed after the City of Burlington received a Zoning By-law and Official Plan Amendment application from Camarro Developments Inc. on September 21, 2022.

A 31-storey residential tower is proposed on the site of 789-795 Brant Street. The proposed development includes the demolition of the building at 795 Brant Street. The property owner submitted a demolition clearance form which technically qualifies as a notice of intention to demolish under Section 27(9) of the *Ontario Heritage Act*. The *Ontario Heritage Act* includes a regulation that the city has a 90-day timeline from the receipt of the complete application to state notice of intent to designate. Therefore, City Council has until January 8, 2023, to issue an intention to designate, or else the building on the Subject Property can be demolished. In response to the planning application, this CHER is being prepared to help the City decide if the property merits designation under Part IV of the *Ontario Heritage Act*.

1.2 Description of the Subject Property

Due to the acquisition of 789 Brant Street for the proposed development, the municipal property boundary for 795 Brant Street now includes this adjacent property. However, the scope of this CHER is to evaluate 795 Brant Street. As such, the Subject Property for the purpose of this report encompasses solely the parcel pertaining to 795 Brant Street (**Figure 1** and **Figure 2**).

The Subject Property, currently owned by Camarro Developments Inc., is located along Brant Street at the southeast intersection of Brant and Prospect Streets. The building within the Subject Property at 795 Brant Street is close to the road, approximately seven metres from the Brant Street right-of-way. The Subject Property is 0.33 acres in size, and is historically located in part of Lot 85, Plan 99 in Brant's Block, which in 1909, became part of Lot 1 in Registered Plan 125 (Ghent Survey) in the former Township of Nelson, Halton County, now the City of Burlington, Regional Municipality of Halton, Ontario.

The building on the Subject Property is a two-storey Georgian style brick house built in circa 1854-1855 (**Photograph 1**). Its front façade faces Brant Street. A two-storey rear extension forms an L-shaped house plan with the main building, to which modern commercial additions were constructed to form the L-shape. The Subject Property is accessed by a driveway off Prospect Street, which leads to a surface parking lot at the rear of the building. There are no additional outbuildings located on the Subject Property.

Photograph 1: View of the Subject Property located at 795 Brant Street (AECOM, November 2022)

1.3 Study Method

The intent of the CHER is to determine whether 795 Brant Street has sufficient cultural heritage value or interest based on the criteria of Ontario Regulation 9/06 to merit designation under Part IV of the *Ontario Heritage Act*. This CHER was completed in accordance with the Ministry of Citizenship and Multiculturalism's InfoSheet #5 Heritage Impact Assessment and Conservation Plans, a part of the *Ontario Heritage Toolkit* (2006). This CHER includes the following key tasks:

- A background review of six property-specific heritage reports previously written for 795 Brant Street including:
    - 1995 (revised 1999) designation report of "Maple Lodge": The Bent-Bray-Ghent House (Burlington Local Architectural Conservation Advisory Committee),
    - 2003 Burlington Heritage Resource Inventory Evaluation Sheet (C. Mahood),
    - 2014 Municipal Heritage Register Property Evaluation Form (prepared by ARA),

  - 2015 Opinion letter on cultural heritage matters and designation of 795 Brant Street (David D. Cuming),
  - 2022 Heritage Burlington Committee evaluation of 795 Brant Street,
  - 2022 Heritage Impact Assessment (ATA Architects Inc.)

- Background research of primary and secondary sources (see Sections 2.1.5 and 2.1.6 for more detail);

- Community engagement with stakeholders with associations to the Subject Property, including City of Burlington staff and The Burlington Historical Society (see Section 1.4 below for more detail);

- Preparation of a land use history of the Subject Property at 795 Brant Street based on a review of primary and secondary sources, previous evaluations, as well as a review of historical mapping and aerial imagery;

- A field review completed by Tara Jenkins, Cultural Heritage Specialist with AECOM on October 13, and November 8, 2022, to document the exterior existing conditions of the Subject Property from the public rights-of-way;

- An evaluation of the Subject Property according to the criteria outlined in Ontario Regulation 9/06, *Criteria for Determining Cultural Heritage Value*; and,

- Preparation of a draft Statement of Cultural Heritage Value including a list of heritage attributes.

This CHER was completed by Jake Harper, M.A, Historian, Tara Jenkins, M.A., C.A.H.P. (Cultural Heritage Specialist, Lead), and verified by Adria Grant, M.A., C.A.H.P. (Associate Vice President, Impact Assessment and Permitting).

1.4 Stakeholder Engagement

The following groups and individuals with associations to the Subject Property were contacted to provide input in understanding the property's cultural heritage value or interest (**Table 1**).

Table 1: Results of Stakeholder Engagement

Contact	Organization	Date	Notes
John O'Reilly, MCIP RPP, Heritage Community Planner	City of Burlington	October 4, 2022	The kick-off meeting was held, where John O'Reilly from the City of Burlington provided a background briefing for the project, including a summary of the previous heritage evaluations and heritage status of the Subject Property.
		October 6, 2022	Following the kick-off meeting, John O'Reilly provided several documents containing background information on the Subject Property. This included historical information on the Ghent family and other occupants of the house within the Subject Property.
		October 19, 2022	Subsequently, John O'Reilly provided a link to a 1973 documentary "The Eyes of Memory" in which the house at 795 Brant Street makes an appearance.
Joan Downey, Chair	Burlington Historical Society	October 7, 2022	After being provided contact information by the City of Burlington, AECOM reached out to Joan Downey, Chair of the Burlington Historical Society for historical information on the house at 795 Brant Street and its former owners.
		October 12, 2022	Joan Downey replied and provided newspaper articles and excerpts from secondary sources that discuss the house within the Subject Property and some of the families who previously occupied the dwelling.
Chris Selman, Curator	Museums of Burlington	October 7, 2022	AECOM reached out to Chris Selman, Curator of the Museums of Burlington with a research request to determine if any material in their collections would supplement the land use history for the Subject Property.

Contact	Organization	Date	Notes
Chris Selman, Curator	Museums of Burlington	October 25, 2022	Chris Selman followed up after reviewing the research request and indicated that the Museums of Burlington database only has more generalized genealogical information pertaining to the Bray and Ghent families, but not the members of those families who previously occupied the house within the Subject Property. As such, AECOM concluded that an in-person visit to peruse the Museums of Burlington collections was not warranted due to the unlikelihood of new information being obtained.
Zack MacDonald, Map Librarian	Western University, Archives and Special Collections	October 20, 2022	AECOM reached out to the Archives and Special Collections Centre at Western University to request digital copies of the 1910 and 1971 Fire Insurance Plans.
		November 2, 2022	Subsequently, Map Librarian Zack MacDonald confirmed that the 1910 Fire Insurance Plan does not cover the area in which the Subject Property is located. However, he provided a scan of the 1971 Fire Insurance Plan that covers the property.

1.5 Heritage Recognition of the Study Property

The City of Burlington Municipal Cultural Heritage Register is a list of properties that are regulated by the City of Burlington under the *Ontario Heritage Act*. The register contains two types of properties:

- **Designated heritage properties** that have been designated under Part IV of the *Ontario Heritage Act*
- **Non-designated heritage properties** that have not been designated but still have cultural heritage value or interest

795 Brant Street, the Subject Property in the City of Burlington, is not designated under Part IV or Part V of the *Ontario Heritage Act* but is listed on the Municipal Cultural Heritage Register as a non-designated heritage property, known as the ‘Bray – Ghent Farmhouse.’

2. Historical Research

2.1 Historical Overview

Prior to the incorporation of the current City of Burlington, the Subject Property was located in the northern outskirts of the community of Wellington Square (later Burlington) within the boundaries of Nelson Township, in Halton County. Historically, the Subject Property was part of Lot 85, Plan 99 in Brant's Block.

2.1.1 Pre-Contact Indigenous Overview

In this area, the first human settlement can be traced back to 11,000 BC; these earliest well-documented groups are referred to as Paleo which literally means old or ancient. During the Paleo period, people were widely scattered, nomadic groups that occupied the sub-tundra-like environment that prevailed in southern Ontario during that time. Past research indicates that these groups likely followed big game (such as Caribou) across the landscape, preferring to camp on high ground, immediately adjacent to water sources, such as glacial lakes or spillways, where smaller game and plant foods would have also been harvested. Due to the relative antiquity of Paleo sites, all that remains at their occupations are stone tool fragments and their characteristic spear points known as "fluted points". (Ellis and Deller, 1990). The picture that has emerged for the early and late Paleo is of groups at low population densities who were residentially mobile and made use of large territories during annual cycles of resource exploitation.

The subsequent Archaic period (9,500 B.P. to 2,800 B.P.) is characterized by a warming climate and a temperate forest environment which was crisscrossed by streams and rivers and surrounded by large freshwater lakes that would have supported many species of fish, shorebirds, and mammals. Small hunting and gathering bands (20-50 people) utilized the lake shores during the spring and summer months, then broke into smaller family groups and moved inland for the fall and winter to hunt and trap. Archaic period tool assemblages consisted of both chipped and ground/polished stone implements indicating that a wider variety of activities, such as fishing, woodworking, and food preparation/grinding, were now taking place.

The Archaic period is followed by the Woodland period (ca. 2800 B.P. to 350 B.P.) which is subdivided into three phases. The Early Woodland period (ca. 2800 – 2400 B.P.) is characterized by the introduction of pottery for storage and an increase in regional trade networks. Trading of exotic goods, such as obsidian, silver, copper, and seashells persists into the Middle Woodland period (ca. 2400 B.P. to 1100 B.P.) when horticulture was introduced to Ontario. The adoption of food production brought on a more sedentary lifestyle in seasonal villages for some groups, and more elaborate burial ceremonies – including the construction of large, earthen mounds. The Late Woodland period (ca. 1100 – 350 B.P.) is marked by the establishment of palisaded villages (often

containing dozens of longhouse structures), intensified horticulture, and an increase in regional warfare.

Table 2 provides a general summary of the history of Indigenous land use and settlement of the area.

Table 2: Cultural Chronology for Indigenous Settlement in Southern Ontario

Archaeological Period	Time Period	Characteristics
Early Paleo	9000-8400 BC	▪ Fluted Points ▪ Arctic tundra and spruce parkland, caribou hunters
Late Paleo	8400-8000 BC	▪ Holcombe, Hi-Lo, and Lanceolate Points ▪ Slight reduction in territory size
Early Archaic	8000-6000 BC	▪ Notched and Bifurcate base Points ▪ Growing populations
Middle Archaic	6000-2500 BC	▪ Stemmed and Brewerton Points, Laurentian Development ▪ Increasing regionalization
Late Archaic	2000-1800 BC	▪ Narrow Point ▪ Environment similar to present
	1800-1500 BC	▪ Broad Point ▪ Large lithic tools
	1500-1100 BC	▪ Small Point ▪ Introduction of bow
Terminal Archaic	1100-950 BC	▪ Hind Points, Glacial Kame Complex ▪ Earliest true cemeteries
Early Woodland	950-400 BC	▪ Meadowood Points ▪ Introduction of pottery
Middle Woodland	400 BC – AD 500	▪ Dentate/Pseudo-scallop Ceramics ▪ Increased sedentism
	AD 550-900	▪ Princess Point ▪ Introduction of corn horticulture
Late Woodland	AD 900-1300	▪ Agricultural villages
	AD 1300-1400	▪ Increased longhouse sizes
	AD 1400-1650	▪ Warring nations and displacement
Contact Period	AD 1600-1875	▪ Early written records and treaties
Historic	AD 1749-present	▪ European settlement (French and English)

The Subject Property is within Treaty 3. In 1792, under the terms of the “Between the Lakes Purchase” signed by Sir Frederick Haldimand and the Mississaugas, the Crown acquired over one million acres of land in-part spanning westward from near modern-day Niagara-on-the-Lake along the north shore of Lake Ontario to modern day Burlington. The Subject Property is also with Treaty 3 ¾, a provisional agreement in 1795 and confirmed in The Brant Tract Treaty, No. 8, in 1797 between the Mississaugas and the Crown for the parcel of 3450 acres on the present site

of the City of Burlington, as chosen by Mohawk Chief Joseph Brant in recognition of his military service in the American Revolutionary War (Government of Canada, N.d; Mississauga of the New Credit First Nation, N.d.).

2.1.2 Halton County

Settlement in what became the Gore District first began in 1783. The Gore District, composed of Halton, Wentworth, Waterloo, and Wellington Counties, was formed in 1816 and 6,684 inhabitants were recorded in 1817 (Government of Ontario, 2012-2015; Walker & Miles, 1877: 76). The Gore District was named after Upper Canada Lieutenant Governor Sir Francis Gore, and Halton County after Major William Mathew Halton, secretary to Gore. Ultimately, after the abolishment of administrative districts in 1849, Halton County was separated from the Gore District became the United Counties of Wentworth and Halton, which were then separated in 1853. According to the *1877 Illustrated Historical Atlas*, there were four places of worship, eighteen grist mills, forty-one sawmills, and three medical practitioners at that time (Walker & Miles, 1877: 76). The first settlers of the Gore District were primarily United Empire Loyalists, who moved to the District from the Niagara area rather than sever their connections to the Crown.

Halton County was then comprised of the Townships of Nelson, Trafalgar, Esquesing, and Nassagaweya. By 1877, the County contained nine municipalities, including the Townships of Esquesing, Trafalgar, Nelson, Nassagaweya, the Towns of Milton and Oakville, and the Villages of Georgetown, Burlington, and Acton (Walker & Miles, 1877: 76). It was bounded to the south by Lake Ontario, Peel County to the east, Wellington to the north, and Wentworth to the west. Major railways through the County included the Grand Trunk Railway, the Great Western Railway, the Hamilton and North-Western Railway, and the Credit Valley Railway.

2.1.3 Nelson Township

Nelson Township was named after Admiral Horatio Nelson in 1806, following his victory in the Battle of Trafalgar that resulted in his death (Rayburn, 1997). That same year, part of Nelson Township extending from Lake Ontario to north of Dundas Street was first surveyed by Samuel Wilmot and opened for European settlement (Turcotte, 1989:13). Another survey known as the “New Survey” was later conducted by Reuben Sherwood in 1817, which extended the settlement area north to Derry Road (Turcotte, 1989:13).

Nelson Township was initially settled by the children of the United Empire Loyalists, soldiers who served during the War of 1812, and by immigrants from England, Scotland, and Ireland (Smith 1846:121; Armstrong 1985:143; Rayburn, 1997:237). The first known European families to arrive in Nelson Township included the Bates, Davis, Ghent, and Kern families (Nelson Women’s Institute, Book I:75). By 1817, the population of Nelson Township was 476 and it contained two grist mills and three sawmills. Over time, the banks of Twelve Mile Creek, which flows through Nelson Township, became the site of several lumber mills, grist mills, and factories (Nelson

Women's Institute, Book I:75). By the 1840s, the township was noted for its good land and excellent farms (Smith, 1846:121; Armstrong,1985:143).

As a result of this industrial development, the population of Nelson Township increased to 3,792 by 1850, and 5,277 by the 1871 Census (Nelson Women's Institute, Book I:75; Walker & Miles, 1877). By 1877, communities in Nelson Township included Nelson Village, Zimmerman, Lowville, Cumminsville, and Kilbride, though the most notable of which was the Village of Burlington, formerly named Wellington Square (Walker & Miles, 1877).

2.1.4 Wellington Square (City of Burlington)

The oldest principal village in the township during the nineteenth century was Burlington, which was originally named "Wellington Square." In 1784, Joseph Brant received a land grant for 3,450 acres on the shores of Lake Ontario, which later became known as Brant's Block (Turcotte, 1989:13). Over time, Brant parceled out and sold land within his block, including 205.5 acres to Thomas Ghent in 1804 (Turcotte, 1989:13). Following the death of Joseph Brant in 1807, his friend James Gage of Stoney Creek bought 338.5 acres from his estate in 1810, upon which he laid out the townsite for Wellington Square in 1817 (Turcotte, 1989:13). The name Wellington Square was chosen after the hero of the 1815 Battle of Waterloo: The Duke of Wellington, and since the village was laid out in a square shape (Nelson Women's Institute, Book I:76).

However, the fledgling community remained modest in development until the 1820s, when James Gage ceded control of the land to his sons (Turcotte, 1989:13). Wellington Square post office opened in 1826 and the village rapidly became a shipping hub (Rayburn, 1997). Indeed, Wellington Square was a more significant port than Hamilton until the introduction of the Burlington Canal in 1832 (Turcotte, 1989:19). Two key historic transportation routes in Wellington Square were Brant Street and the Guelph Line, since they provided access to Lake Ontario (Turcotte, 1989:19). Wagons loaded with grain travelled down Brant Street and the Guelph Line to the lake, where their cargo was loaded onto schooners for transport. In 1844, nearly 11,000 barrels of flour were shipped from Wellington Square and during the Crimean War (1853-1856), large amounts of grain were shipped overseas from the bustling port (Turcotte, 1989:19).

Over time, lumber supplanted grain as the primary export from Wellington Square. As early as 1846, there were seventeen sawmills in operation in Wellington Square (Mika and Mika, 1977). The Great Western Railway was introduced to Wellington Square in 1854 and by 1877, the Hamilton and Northern Railroad also extended through the village (Mika and Mika, 1977). Eventually, local deforestation and the introduction of the railway lessened the importance of lake freight, which resulted in the local port succumbing to dereliction (Turcotte, 1989:19). In 1868, the population of Wellington Square was about 250 (1869-1870 Halton County Directory).

In 1873, the villages of Wellington Square and Port Nelson amalgamated to form the Village of Burlington named after Burlington Bay, now Hamilton Harbour (Turcotte, 1989:19). The Village of Burlington had 750 inhabitants at the time of incorporation (Mika and Mika, 1977). By the dawn of the twentieth century, Burlington had become a prosperous farming community known as "The Garden of Canada", with cash crops of fruits and vegetables (City of Burlington, 2022). In 1958, the Village of Burlington, Nelson Township, and part of East Flamborough Township, formed the town of Burlington. Ultimately, Burlington attained city status on January 1, 1974, though part of Burlington was annexed by the Town of Milton (Mika and Mika, 1977).

2.1.5 Primary Sources

Primary source materials provide a first-hand account of an event or time period and are considered dependable. Where available, primary source material was consulted to provide a historical context for the evaluation of potential cultural heritage value or interest for the subject property. Primary source research was undertaken using available online resources and sources provided by the City of Burlington, the Burlington Historical Society, and the Western University Libraries. The following primary sources were consulted for this CHER:

- Abstract of Deeds for Lot 85, Plan 99 (OnLand, FamilySearch)
- 1858 Tremaine Map of Halton County
- 1877 Walker & Miles *Illustrated Historical Atlas* of Halton County
- 1916 Sewerage Works Plan
- 1924 Underwriters' Survey Bureau Fire Insurance Plan
- 1959 Aerial Photography
- 1971 Canadian Underwriters' Association Fire Insurance Plan
- Census of Canada data (Library and Archives Canada, Ancestry)
- Tax Assessment Roll (1856)
- Canada and County Directories (1851, 1857, 1866-1867, 1869-1870, 1884, 1892, 1896, 1899, 1915)

2.1.6 Secondary Sources

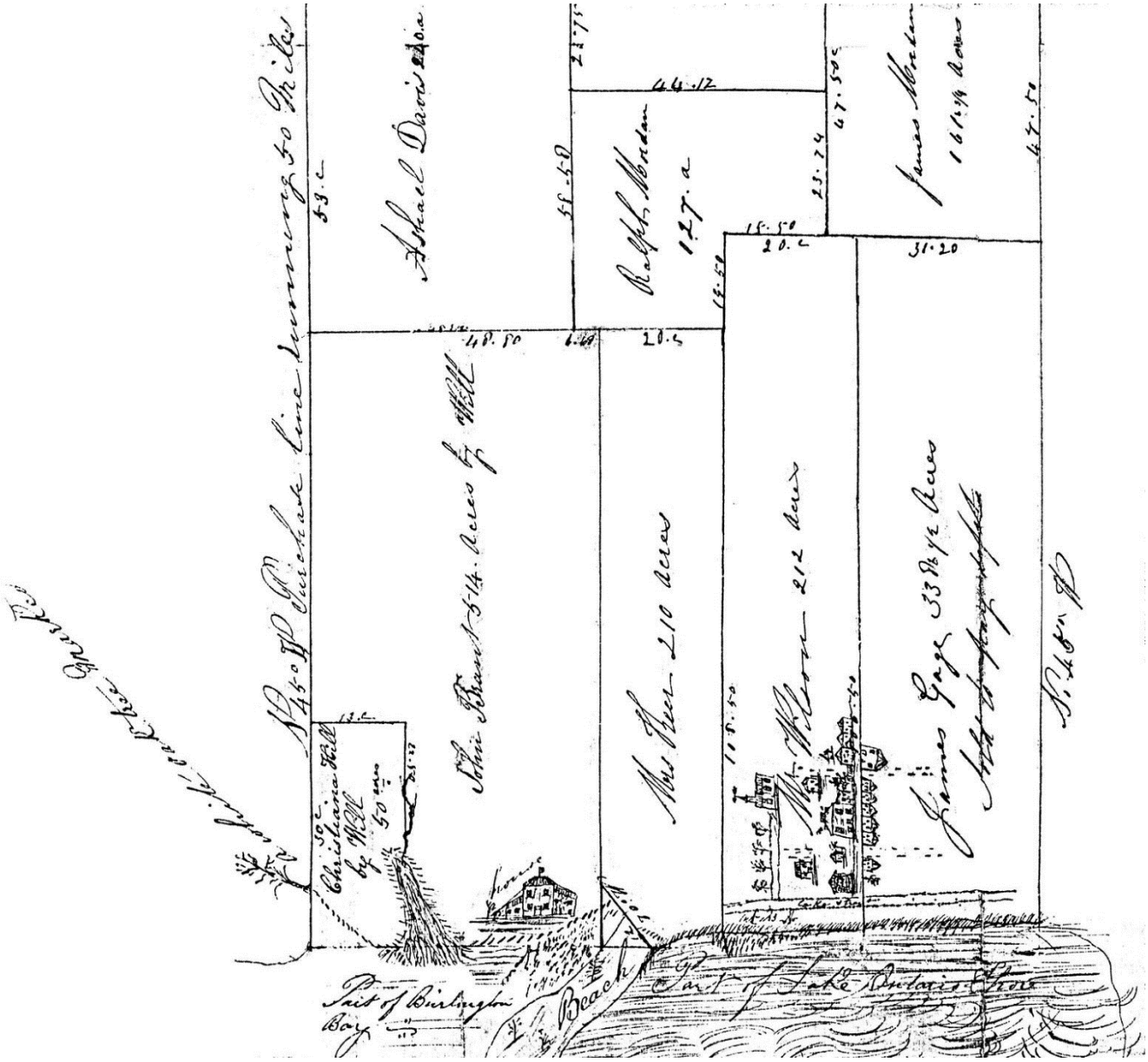
Secondary sources interpret and analyze primary sources and generally include scholarly books and articles. A series of secondary sources were reviewed for the purpose of data collection and analysis as part of the CHER. A complete list of the secondary sources reviewed for the report is contained in **Section 10** (Sources).

2.1.7 Land Use History – Subject Property

Land registry records for Lot 85, Plan 99 in Brant's Block start on February 14, 1798, when Joseph Brant was issued the Crown Patent for 3,450 acres of land on the shores of Lake Ontario. Joseph Brant had already received the land grant for this acreage back in 1784 as payment for leading

the Mohawk Loyalists during the American Revolutionary War. Following his death in 1807, Catherine Brant & Augustus Jones, Executors of the will of Joseph Brant, sold 338 ½ acres of his block of land to James Gage on March 15, 1810 (**Image 1**). The Subject Property is within this 338 ½ acres of land. Gage resided in Stoney Creek but was credited with laying out the village of Wellington Square in 1817, which took shape and expanded throughout the 1820s.

Image 1: 1817 Detail Map showing Wellington Square and the easterly 338 ½ acres owned by James Gage. *Halton Images*. Accessed Online: **https://images.halinet.on.ca/2439157/image/1975842**



2.2 The Davis Family (1843-1854)

On November 22, 1843, James Gage parceled out his 338 ½ acres and sold 96 acres of land in Lot 85, Plan 99 to Gilbert Davis. Legend has it that Gilbert Davis helped William Lyon Mackenzie evade capture by loyalist troops during the Upper Canada Rebellion. After being led to Gilbert Davis' farm on the Middle Road (now the Queen Elizabeth Way) and finding that it was being closely watched, Mackenzie put on the riding habit of Rachel Davis, the sister of Gilbert Davis, to disguise himself from his pursuers (Nelson Women's Institute Tweedsmuir History, 1944). Given that this story reveals Gilbert Davis' farm was on the Middle Road, there is no indication that he ever resided in a house within the 96 acres of land of Lot 85, Plan 99. It is most likely the Subject Property was part of the Davis family's agricultural lands.

2.3 The Bent Family (1854-1859)

On December 13, 1854, Gilbert Davis and his wife sold 53 acres of the 95 acres of Lot 85, Plan 99 to Jabez Bent for £400. The 53 acres includes 41 acres of Lot 85 on Brant's Block and 12 acres Lot 18, Concession 3, South of Dundas Street, in Nelson Township. Jabez's father, John Bent, had arrived in Canada from England in 1836 along with his sons Jabez, James Cushie, and John [Jr.], who became well-known figures in the community of Wellington Square (Turcotte, 1989:192). Jabez Bent was a brick mason and had a sterling reputation as a craftsman (Turcotte, 1989:193). Indeed, even before acquiring the 53 acre lot, Jabez Bent was recorded as a mason in Wellington Square in the 1851 Canada Directory, and a brickmaker in the 1851 Census of Canada West (MacKay, 1851:466).

On November 9, 1855, Jabez Bent and his wife mortgaged the 53 acres of Lot 85, Plan 99 to Thomas Baxter for £150. Baxter was a wealthy businessman in Wellington Square; therefore, Jabez Bent likely took out a mortgage to secure funds for developing the 53 acre property, including the building of a house on the property.

In the 1856 Tax Assessment Rolls for Nelson Township, the first available tax assessment roll for the township, Jabez Bent was attributed to a total of 53 acres and a separate ⅕ of an acre for a total real and personal property value of £635. Jabez Bent was recorded in the 1856 Tax Assessment Roll as a 50 year-old bricklayer who is documented as having a dwelling and brickyard in Wellington Square on 41 acres of the 53 acre lot. There are no structures indicated on the other 12 acres. Another house and lot were noted in a ⅕ of an acre parcel owned by Jabez Bent also in Wellington Square (FamilySearch), which may have been his house prior to acquiring the 53 acre lot. In the 1851 Census of Canada West, Jabez Bent, recorded as 46 years old, was living in Nelson Township with his wife Elizabeth, age 30, and three children. Therefore, based on Jabez acquiring the property in 1854, the 1855 mortgage he took out, and the 1856 Tax Assessment Roll, it stands to reason that the two-storey brick house within the Subject Property was constructed between 1854-1855. Given the house on the Subject Property is constructed of

red brick, it is mostly likely he handmade his own bricks from the brickyard located within the 53 acre property. Jabez Bent was listed as a brickmaker in the 1857 Canada Directory (Lovell, 1857:873)

Prior to owning 53 acres of Lot 85, Plan 99, Jabez Bent had already been building in Wellington Square. One of his earliest known projects in the area was to erect a brick wall around the Union Burying Ground at 1001 Plains Road, to a particular set of specifications, which he completed on August 1, 1848—the same year the cemetery was established (Turcotte, 1989:193). However, according to the designation By-law for the Union Burying Ground, Jabez Bent constructed the brick wall surrounding the cemetery in 1888 (City of Burlington, By-law No. 85-1995). Canada Census records illustrate that the date provided in the Designation By-law was inaccurate, since Jabez Bent had already relocated to Bothwell, Ontario by 1888 and would have been 82 years old at the time (1881 and 1891 Census of Canada). Beyond this discrepancy, it is worth noting that Gilbert Davis was one of the founders of the Union Burying Ground and may have first met Jabez Bent in discussions about the cemetery wall. In addition, Jabez Bent is noted as the brick mason for the Queen's Hotel (now Queen's Head Pub) built in 1860 at 400 Brant Street. The hotel, a three-storey building with a brick veneer, still stands and is seen as a local landmark (Tourism Burlington, N.d).

Jabez Bent's brother, James Cushie Bent, was a master builder known to have built many structures in Wellington Square starting in the 1840s (Turcotte, 1989:193-194). For instance, when the frame house at 507-511 John Street was torn down to make way for a parking lot, workers found writing on one of the stairway boards that read "*James C. Bent, Master Builder, Hitchin Hartfordshire, England. This house was built in the year of our Lord 1845*" (Turcotte, 1989:193). The structure at 507-511 John Street was initially planned to be carefully dismantled, but it was so well built that it had to be demolished instead. Indeed, the frame of the house was constructed of interlocking wood beams fitted together with oak pegs, which served as physical evidence of James C. Bent's aptitude for joinery (Turcotte, 1989:193).

James C. Bent was identified as a builder in Wellington Square in the 1851 Canada Directory and a carpenter in the 1857 Canada Directory (MacKay, 1851:466; Lovell, 1857:873). James C. Bent was later recorded in Fuller's Directory for 1866-1867 as a builder on John Street in Wellington Square, which indicates that this was the location of his business (Fuller, 1866:101). He was known to have resided in a small frame house at the address of 507 Elizabeth Street that is no longer extant. The dwelling served as the meeting house for the Baptists of Wellington Square until the congregation purchased the land for Calvary Baptist Church. **Table 3** below indicates the Jabez and James C. Bent built 507 Elizabeth Street along with some other houses along that street in the 1850s. James C. Bent continued to build in the community and he built the manse for the Calvary Baptist Church in 1888, which he lived in until his death in 1895 (Turcotte, 1989:194).

The 1858 Tremaine Map lists names of professionals which included James C. Bent as a master builder in Wellington Square (**Figure 3**). Jabez Bent's 53 acre parcel is shown on the Tremaine Map, located just north of the settlement area of Wellington Square. In 1858, the mortgage between Jabez Bent and Thomas Baxter was discharged. Bent then immediately mortgaged the 53 acre lot to Thomas Baxter once again on November 9, 1858, for $2000. This mortgage may have been used to secure more funds for his brickmaking business.

Given their complementary skillsets, brothers Jabez and James C. Bent were known to have collaborated on construction projects when brickwork and carpentry expertise was required. **Table 3** provides a list of additional structures known to have been built by James C. Bent and includes projects where Jabez Bent contributed to the construction. For instance, Jabez Bent was contracted to do all the brick and masonry work, as well as plastering, for the large red brick house owned by William Wood in 1858, at the cost of £500. His brother James C. Bent did the joinery. This house, known locally as "The Willows", remains extant at 3265-3269 North Service Road (Turcotte, 1989:153; The Burlington Historical Society). Before it was renovated, this structure was a five-bay Georgian style dwelling similar in architectural style to that of the house on the Subject Property. As such, this example illustrates the division of labour between the Bent brothers and offers insight into how the Georgian style house built within the Subject Property would have been a collaborative effort between the two brothers.

Table 3: List of Structures in the City of Burlington Built by the Bent Brothers

Address & Property Name	Heritage Status	Construction Date & Builder	Material	Architectural Style
1001 Plains Road; Union Burying Ground	Designated	1848 – Jabez Bent	Brick (brick wall)	N/A
507 Elizabeth Street	Demolished	ca. 1850s – James C. Bent & Jabez Bent	Frame	Vernacular
511 Elizabeth Street	Demolished	1855-1860 – James C. Bent & Jabez Bent	Frame	Vernacular
247 Malvern Road/The Chisholm-Le Patourel (moved from 466 Elizabeth Street)	Listed	1856 – James C. Bent & Jabez Bent	Brick	Gothic Revival
3265-3269 North Service Road	None	1858 – James C. Bent & Jabez Bent	Brick	Georgian
400 Brant Street, Queen's Hotel, formally the Zimmerman House (now The Queen's Head)	Listed	1860- Jabez Bent	Frame with Brick veneer	Georgian
451 Elizabeth Street (Sea Cadet Hall,	Listed	1868 – James C. Bent	Brick	Gothic Revival

Address & Property Name	Heritage Status	Construction Date & Builder	Material	Architectural Style
formerly First Methodist Church)				
472 Locust Street, formerly 1446 Ontario Street (Former Calvary Baptist Church, now L'Église St. Philippe)	Listed	1875 – James C. Bent	Brick	Carpenter Gothic/Italianate
2015 & 2017 Lakeshore Road (Shaver Building)	Listed	1881 – James C. Bent	Brick	Victorian
2375 Lakeshore Road	None	1888 – James C. Bent (Alterations)	Frame	Vernacular
1436 Ontario Street (Blathwayt House)	Designated (By-law No. 85-1984)	1885 – James C. Bent	Frame	Carpenter Gothic
1442 Ontario Street (The James Cushie Bent House)	Designated (By-Law No. 9-1988)	1888 – James C. Bent	Frame	Carpenter Gothic

In addition to working on building projects led by his brother, James C. Bent, Jabez Bent also worked with his son George, who served as his bricklaying apprentice. For example, Jabez and George were chosen to build a new brick home for the lighthouse-keeper at the Burlington Canal Lighthouse (1155 Beach Boulevard, Designated City of Hamilton By-Law No. 96-115) after a fire destroyed the old home in 1856. This structure was occupied by lighthouse-keepers until 1987 (Turcotte, 1989:193).

After Jabez Bent sold the 53 acre parcel (see Section 2.4 below), he left Burlington. The 1861 and 1871 Census of Canada demonstrates that Jabez Bent had relocated from Burlington. His son, George Bent, continued his bricklaying business in Wellington Square. Indeed, George Bent was recorded as a bricklayer in Wellington Square in the County Directory for 1869-1870 (Sutherland, 1868:39). Unlike his father however, there is no indication that George Bent collaborated with his uncle James C. Bent on building projects. For instance, when George Bent was chosen to do the masonry work for the construction of a new school in Nelson Township in 1863, an individual named "Mr. Railton" did the carpentry, as opposed to James C. Bent (Nelson Women's Institute Tweedsmuir History, Book II). According to an obituary in *Canadian Champion*, Jabez Bent, formerly of Burlington, ultimately died in Detroit at the home of his son on March 22, 1896, at the age of 90 (*Canadian Champion*, 1896).

2.4 The Bray Family (1859-1896)

On April 6, 1859, Jabez Bent and his wife, Elizabeth, sold the 53 acre property on Lot 85, Plan 99 to Frederick Bray for $4,400. In the 1861 Census of Canada West, Frederick Bray was recorded

as a 40 year-old farmer from England, living with his 30 year-old wife Margaret in a two-storey brick dwelling, which coincides with the house on the Subject Property. The couple had two sons: George (age 3) and James P. (age 11), and a 30 year-old Welsh woman named Elizabeth Daves also resided in the Bray household. Frederick Bray and his wife mortgaged the property to John C. F. Cochrane on November 26, 1864, for $1100, which was later discharged on May 11, 1871. The purpose of this mortgage is presumed to have been to secure the funds necessary to construct a two-storey addition to the original home.

Frederick Bray was recorded as a farmer and freeholder on Brant's Block in Nelson Township in the County Directory for 1869-1870 (Sutherland, 1868:39, 60). By the 1871 Census of Canada, Frederick and his wife had a 10 year-old daughter named Margaret after her mother, and a 12 year-old son named James, indicating that the ages recorded in the prior Census for James and George Bray may have been switched or were inaccurate. Two servants, a 33 year-old Scotch woman named Ann Campbell and a 21 year-old English man named Henry Peach were identified as occupants of the Bray household in the 1871 Census. Since the Bray family had servants, it stands to reason that their farm was financially successful. As such, the second storey of the rear extension to the house on the Subject Property may have been built to function as a servant's quarters.

The 1877 *Illustrated Historical Atlas* depicts Frederick Bray as the owner of a parcel of land containing a house in the approximate location of the current house within the Subject Property, along with an associated orchard (**Figure 4**). He is documented in the 1877 *Illustrated Historical Atlas* as a small fruit farmer. The Atlas indicated he settled on the Subject Property in 1859, which supports the Land Registry information of when Bray purchased the land. According to the patrons' directory in the *Illustrated Historical Atlas*, Frederick Bray was originally from the Island of Jersey and emigrated to Canada in 1825, eventually becoming a farmer and small fruit grower (Walker & Miles, 1877). Before settling in Burlington, Frederick Bray lived in Hamilton and travelled to California in 1849 during the gold rush, then visited Australia before returning home (*Burlington Gazette*, 1912). The 1881 Census of Canada confirms that Frederick Bray originally hailed from the Channel Islands, which includes Jersey Island—a British isle located in the English Channel off the coast of France. Since the 1881 Census, Frederick and Margaret Bray had a second daughter named Minnie, who was recorded as 7 years-old in the Census.

As evidence of his continued occupation of the 53 acre property, Frederick Bray was identified as a freeholder in Brant's Block in Nelson Township in the 1884 County Directory (Union Publishing Co., 1884:98). In the 1891 Census of Canada, Frederick Bray was listed as a farmer living in a two-storey, nine-room brick house with his family and two young farm labourers named William and Charles Lambert. Subsequently, Frederick Bray was identified as a freeholder on Brant's Block in Nelson Township in both 1892 and 1896 County Directories. He received his mail at the post office in the Village of Burlington (Union Publishing Co. 1892:19; Union Publishing Co., 1896:165). Upon Frederick Bray's death on December 25, 1912, he was the last surviving charter

member of Burlington Lodge, No. 165 A.F. & A.M., which remains extant at 459 Brant Street as a Freemason meeting house (*Burlington Gazette*, 1912).

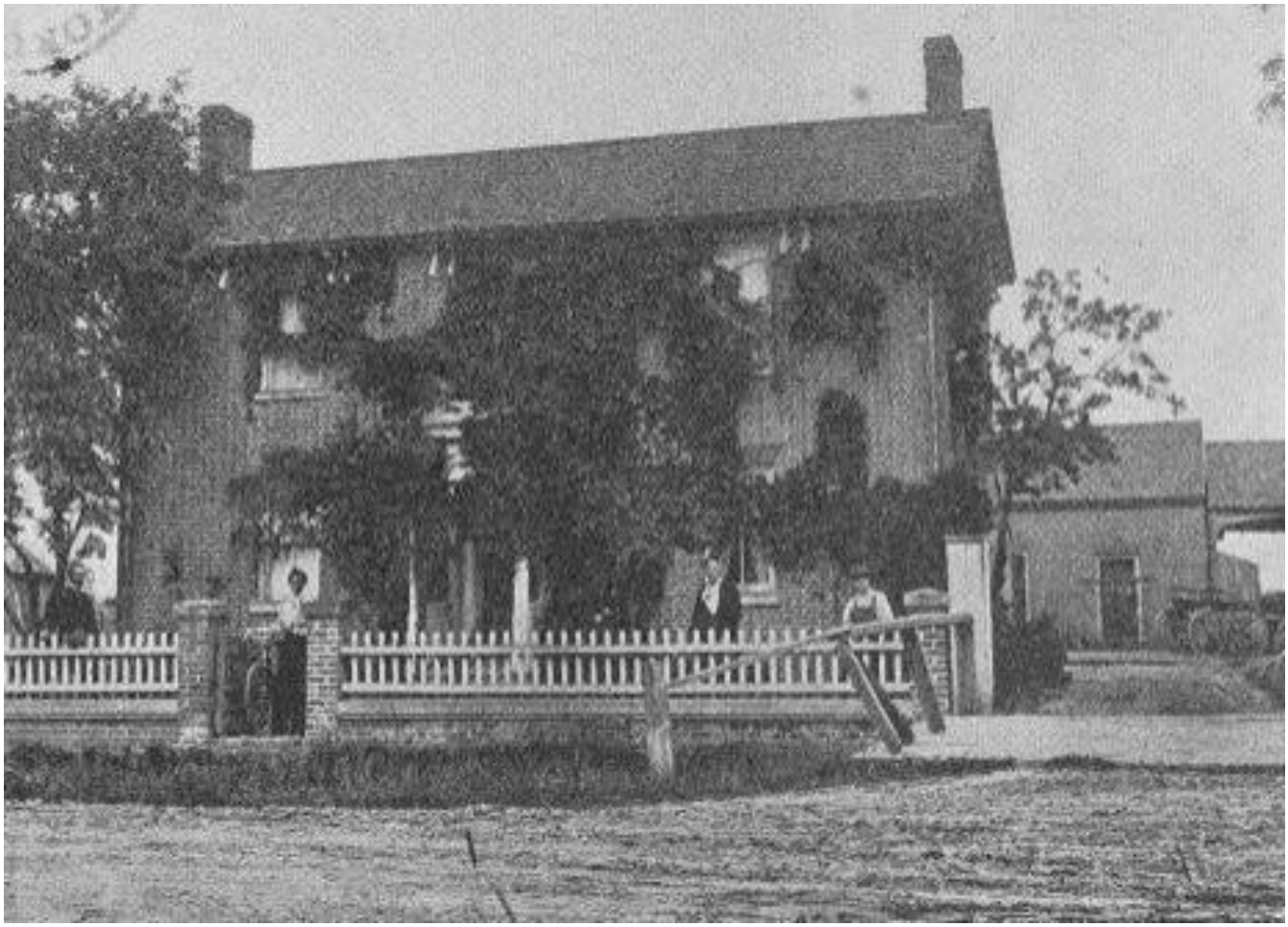
2.5 The Ghent Family (1896-1909)

On February 29, 1896, Frederick Bray and his wife deeded the 53 acre property to William Ghent for $8,000. William Ghent was a third generation descendent of the Ghent family living in the Burlington area. William was the son of George Ghent and Anna Bray, and the grandson of Thomas Ghent, who came from North Carolina with his brother-in-law Asahel Davis (father of Gilbert Davis) who settled in Nelson Township in 1804, where the pair established the fruit-growing industry (Turcotte, 1989:32-34). After purchasing the 53 acre property from Frederick Bray, William Ghent was identified as a freeholder on Brant's Block in Nelson Township in an 1899 County Directory (Union Publishing Co., 1899:23). He received his mail at the post office in Freeman, which was a small community in Burlington that formed around the intersection of Brant Street and Plains Road. The 53 acre farm was situated along Brant Street between Burlington and the Grand Trunk Railway station at Freeman (Turcotte, 1992:52). William Ghent was recorded in the 1901 Census of Canada as a 47 year-old farmer living with his 46 year-old wife Christianna. The couple had three sons: Edgar Fothergill (age 19), George Maitland (age 18), and Andrew S. (age 11), in addition to a daughter named Francis Evelyn Jane (age 16).

William Ghent ensured that the fruit farm on the property continued to flourish using the agricultural knowledge he inherited from his forefathers. As evidence of its output, the Ghent farm produced 10,000 quarts of strawberries, 3,000 quarts of raspberries, 2,000 crates of melons, 800 bushels of grain, 36 tons of tomatoes, and 12 tons of cabbages, eggplant, and peppers, among other produce, in a single year (Craig, 1902:45). It also featured extensive orchards planted with apple, plum, cherry, pear, and peach trees (Craig, 1902:45).

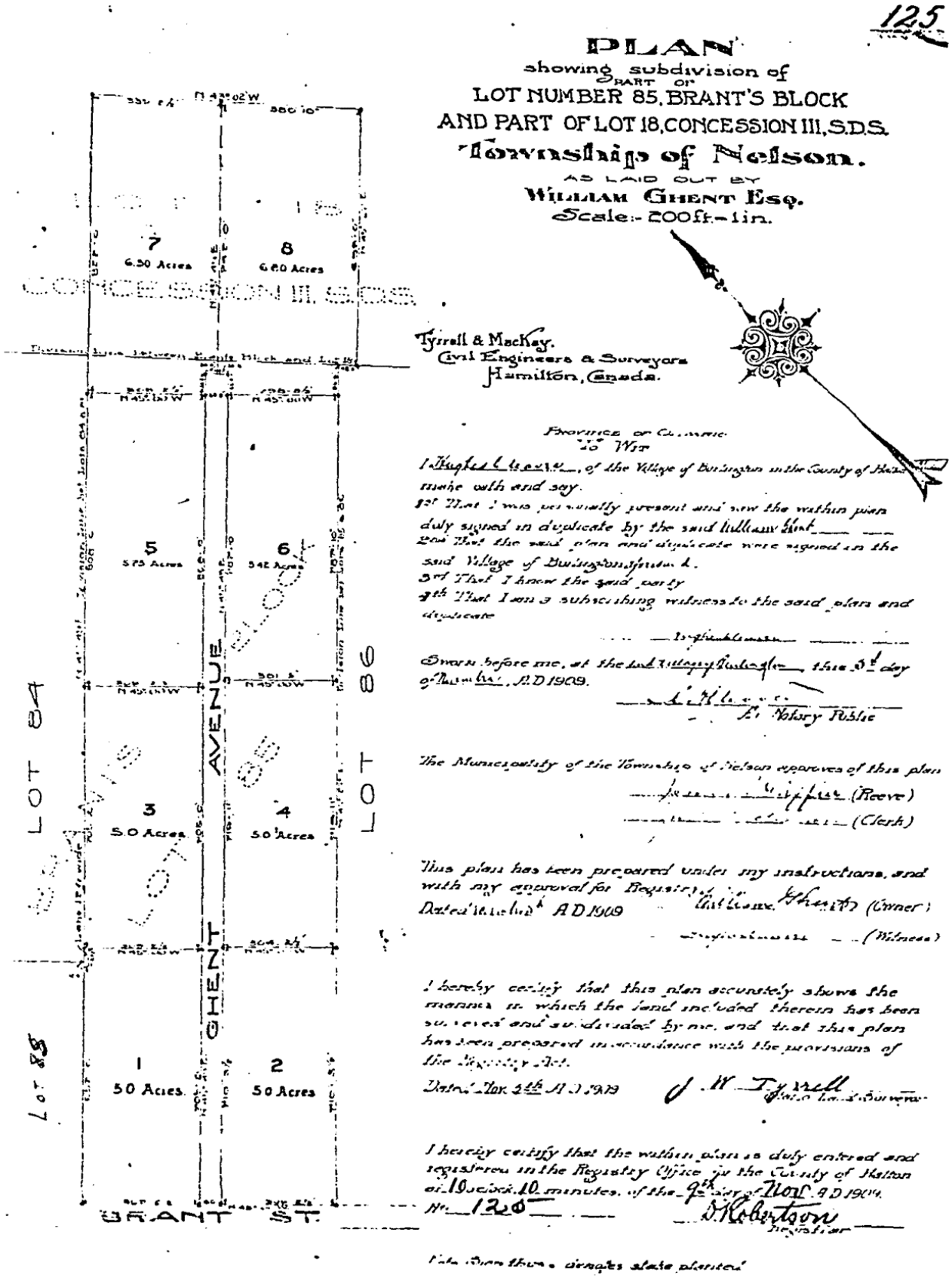
This information was included in a 1902 book titled *The Garden of Canada*, in which the two-storey brick house was referred to as "Maple Lodge," the residence of William Ghent, and his 53 acre farm were advertised for sale for $10,000. The buildings on the property included the nine-room brick house, a brick driveshed and stable, as well as a frame barn and sheds. The value of these structures was recorded as at least $2,500 (Craig, 1902:45). **Image 2**, below, shows the façade of "Maple Lodge" as it appeared in 1902, along with the brick driveshed in the background. The brick house was covered in vines, but columns of a former portico is visible at the front of the building. This photograph further reveals that a brick and wood picket fence once stood at the property line, which defined the entrance to the home. In addition, a crossing is seen connecting to the property's driveway over Rambo Creek that once ran in front of the property parallel to Brant Street.

Image 2: "Maple Lodge, Residence of W. Ghent, Esq., Burlington", circa 1902 in *The Garden of Canada: Burlington, Oakville and District*. Accessed Online: https://archive.org/details/gardenofcanadabu00crai/page/44/mode/2up



William Ghent's attempt to sell his farm in 1902 was ultimately unsuccessful. However, after he retired from farming in 1909, William Ghent had his 53 acre farm surveyed and laid out into parcel lots for sale, which included Lot 85, Plan 99, in Brant's Block and part of Lot 18, Concession 3, South of Dundas Street in Nelson Township. As a result of the Ghent Survey on November 5, 1909, the Subject Property became Part of Lot 1 which was 50 acres in Registered Plan 125, although was still identified as part of Lot 85 in other later sources. After William Ghent retired from farming, he moved to a house at 600 Brant Street and resided there for several years before relocating to St. Catharines in 1925, where he lived out his final days. Ultimately, on June 11, 1929, William Ghent died and was interred in the Union Burying Ground alongside several other members of the Ghent family (Flamborough Archives & Heritage Society, 2022).

Image 3: 1909 Ghent Survey (Registered Plan 125) by Tyrrell & MacKay, Civil Engineers & Surveyors. Accessed Online: **https://www.onland.ca/ui/20/books/23423/viewer/824771258?page=2**



125

PLAN
showing subdivision of
PART OF
LOT NUMBER 85, BRANT'S BLOCK
AND PART OF LOT 18, CONCESSION III, S.D.S.
Township of Nelson.
AS LAID OUT BY
WILLIAM GHENT Esq.
Scale:- 200ft-1in.

7 6.50 Acres
8 6.60 Acres
5 5.75 Acres
6 5.82 Acres
3 5.0 Acres
4 5.0 Acres
1 5.0 Acres
2 5.0 Acres
CONCESSION III S.D.S.
LOT 84
LOT 85
LOT 86
GHENT AVENUE
BRANT ST.

Tyrrell & MacKay.
Civil Engineers & Surveyors
Hamilton, Canada.

Province of Ontario
To Wit

I Hughes Lewis of the Village of Burlington in the County of Halton make oath and say.
1st That I was personally present and saw the within plan duly signed in duplicate by the said William Ghent
2nd That the said plan and duplicate were signed in the said Village of Burlington
3rd That I know the said party
4th That I am a subscribing witness to the said plan and duplicate

Sworn before me, at the said Village of Burlington this 3rd day of March A.D 1909.

A Notary Public

The Municipality of the Township of Nelson approves of this plan

(Reeve)
(Clerk)

This plan has been prepared under my instructions, and with my approval for Registry.
Dated at Hamilton A.D 1909
(Owner)
(Witness)

I hereby certify that this plan accurately shows the manner in which the land included therein has been surveyed and subdivided by me, and that this plan has been prepared in accordance with the provisions of the Registry Act.
Dated Nov 24th A.D 1909
J. W. Tyrrell
Ontario Land Surveyor

I hereby certify that the within plan was duly entered and registered in the Registry Office for the County of Halton at 10 o'clock 10 minutes, of the 9th day of Nov. A.D 1909.
No. 125
D. Robertson
Registrar

Note:- Dimensions are in chains and decimals thereof.

2.6 The Harmon Family (1909-1919)

Subsequently, on November 17, 1909, William Ghent sold the 5 acres of part of Lot 1 of Registered Plan 125, to Edward Harman [Harmon] for $5800. The following day, Edward Harmon and his wife mortgaged the property to William Ghent for $4800. Edward Harmon was recorded in the 1911 Census of Canada as a 40 year-old Irish gardener living in Nelson Township with his 37 year-old German wife, Vina. The couple had two sons: Edward Jr. (20) and John (15), who were also both identified as gardeners, as well as a 12 year-old daughter named Helen. Moreover, a 22 year-old Irish farm labourer named John Finch was recorded as a lodger in the Harmon household in the 1911 Census. He worked 60 hours a week and had been employed for 46 weeks by the family at the time of enumeration.

As evidence of his continued occupation of the Subject Property, Edward Harmon was attributed to Lot 85 in Ghent's Survey in the 1915 Vernon's County Directory. He received his mail at the post office in Freeman (Vernon, 1915:81). In the 1915 Voter's List, Edward Harmon and Edward Harmon Jr. are documented as market gardeners in part of Lot 85, which illustrates the Harmon family's continued use of the land for this industry (Burlington Local Architectural Conservation Advisory Committee, 1995). The 1916 Sewerage Works Plan for Burlington illustrates a "Brick House" on the parcel of land owned by Edward Harmon (**Figure 5**). Furthermore, Rambo Creek is shown following Brant Street. Although the 1916 plan is not to scale, based on the location of Graham's Lane and Ghent's Lane (now Ghent Avenue), it is clear that the house depicted is the current house on the Subject Property. Curiously, the rear extension to the original house is illustrated more centrally on this 1916 plan, and a further rear addition is shown. This does not match the L-shaped plan that is later illustrated in the 1924 Underwriter's Fire Insurance Plan (**Figure 6**). This discrepancy likely occurred since the purpose of the 1916 Sewerage Works Plan was to portray the sanitary sewer and water main; therefore, depicting the outline of the houses would have been of secondary importance and they were not drawn to the same level of accuracy as a Fire Insurance Plan.

2.7 The West Family (1919-1924)

On May 12, 1919, Edward Harmon and his wife granted John West the 5 acre parcel of Lot 1, Registered Plan 125 for $1. A mortgage between John West and William Ghent was later recorded on November 18, 1919, for $4800, which may have been a renewal since this was exactly 10 years after Edward Harmon mortgaged the property to Ghent for the same amount. Then, on April 7, 1921, John West and his wife Frances Evelyn West mortgaged the property to The Royal Bank of Canada. In a prior heritage evaluation, Heritage Burlington concluded that John West built an addition to the house within the Subject Property in 1921 (Heritage Burlington Advisory Committee, 2022). However, Heritage Burlington also notes on their website that John West took mortgages out in 1921 and 1922, likely to build the structure known as "The West House" at 2059 Ghent Avenue (Heritage Burlington, 2022). The aforementioned 1916 Sewerage Works Plan also

depicts John West as the owner of a brick house across the street from the Subject Property, north of Graham's Lane. As such, it stands to reason that John West never resided in the house on the Subject Property or constructed any additions to the house in 1921. As further evidence of this notion, John West was recorded in the 1921 Census of Canada as an occupant of a seven-room brick house on a parcel of land on Lots 17, 18 in Nelson Township. In other words, he occupied a house that was smaller than the nine-room house within the Subject Property on a parcel of land outside of the Ghent Survey.

2.8 Post-1924 Owners

During the 1920s, a number of transactions occurred for the 5 acre parcel of land in Lot 1 in Registered Plan 125 containing the Subject Property, which resulted in the property changing hands before ending up back under the ownership of John West. The first of these transactions took place on November 12, 1921, when John West granted the 5 acre parcel to Major Maude and his wife for $1, subject to mortgage. Major Maude and his wife then mortgaged the property to John West on November 15, 1921, for $8500. Subsequently, Maude and his wife granted the property to Walter Thomas Passant for $1, subject to two mortgages, on January 14, 1924.

The 1924 Underwriter's Fire Insurance Plan depicts the two-storey brick house at its former address of 256 Brant Street, with a rear extension that form an L-shaped house plan (**Figure 6**). A one-and-a-half storey brick outbuilding is shown on the property, which would have been the brick driveshed visible in the 1902 photograph. Lastly, the 1924 Underwriter's Fire Insurance Plan reveals that despite the changes in ownership, the 5 acre property retained its agricultural purpose. For instance, a one-storey wood frame greenhouse with a brick entrance is shown on the property at 256 Brant Street, in the approximate location of what is now Prospect Street. It stands to reason that this structure was built when the Ghents or Harmons owned the property, since they were market gardeners by trade.

After obtaining the 5 acre parcel of land in 1924, Walter Thomas Passant and his wife mortgaged the property to Alexander D. McMillan on March 5, 1925, for $6000. Ultimately, on January 28, 1927, Walter Thomas Passant and his wife granted the 5 acre parcel of land back to John West for $1. After the 5 acre parcel of land returned to John West, on November 6, 1929, he and his wife granted the property to William T. Sloan for $1, subject to mortgage and sale agreements. The maiden name of John West's wife was Frances Evelyn Sloan, and William T. [Thompson] Sloan was her brother. Indeed, William T. Sloan was recorded as a witness of his sister's marriage to John West in July of 1910 (Ontario, Canada, Marriages, 1826-1938).

Under one year later, John T. Sloan granted the 5 acre property to John A. McMillan on August 22, 1930. On September 5, 1931, John A. McMillan, widower, granted the 5 acre parcel of land to Alphonse Brooks and his wife Catharine C. Brooks as joint tenants. On September 8, 1941, Alphonse Brooks and his wife mortgaged the 5 acres of land to John A. McMillan for $1700.

Furthermore, they mortgaged the property to The Canada Trust Company on April 15, 1951, for $6000. A 1959 aerial photograph shows the L-shaped plan of the house at the intersection of Brant Street and Prospect Street, which was still under construction (**Figure 7**). This photograph reveals that the former brick driveshed behind the house had been replaced by a large structure fronting Prospect Street, in the current location of the driveway entrance and parking lot for 795 Brant Street. The mortgages taken out by the Brooks family may have been to secure the funds necessary to construct this outbuilding.

The 1971 Underwriter's Fire Insurance Plan shows a two-storey brick house with an L-shaped plan and a small detached one-storey automobile garage along Prospect Street (**Figure 8**). The garage replaced the large structure visible in the 1959 aerial photograph (**Figure 7**) fronting Prospect Street. Furthermore, a small one-storey rear concrete or stone addition to house is illustrated on the 1971 Underwriter's Fire Insurance Plan; however, it does not encompass the full width of the house's rear extension like the current vestibule addition. **Image 4**, below, shows "Maple Lodge" from the intersection of Brant and Prospect Streets at the time of the 1971 Underwriter's Fire Insurance Plan. The gables of the two-storey rear extension are visible in the photograph.

Image 4: 795 Brant Street, "Maple Lodge", 1971. The Burlington Historical Society. Accessed Online: **http://burlingtonhistorycollection.bpl.on.ca:8080/vital/access/manager/Repository/bpl:205552**

Under the ownership of the Brooks family, the 5-acre parcel of land was further subdivided and sold over time, but they retained the property containing “Maple Lodge” until June 16, 1972, when Catharine Cochrane Brooks, widow, granted the property to George Patrick Sweeny for $1. “Maple Lodge” was captured on film in the 1973 documentary “The Eyes of Memory” in its final year as a residential property, since the next year would spell the beginning of it functioning as a commercial property. Of note, a decorative bridge over Rambo Creek is visible in the 1973 documentary, which connected the property to Brant Street whereas today it no longer retains that connection (**Image 5**). This is the only image found in research for this CHER that shows, in colour, the red brick of the building.

Image 5: Still Frame from the 1973 Documentary “The Eyes of Memory.” Accessed Online: https://www.youtube.com/watch?v=pZHGzhHYQnY&t=226s

On May 13, 1974, George Patrick Sweeny granted the property to Scova Investments Limited, who later mortgaged the property to Shirley Dashper for $14,000 on March 18, 1976. Ultimately, Scova Investments Limited granted the property to Pro-Brant Group Limited on December 12, 1983. The one-storey commercial addition and vestibule addition to the rear of the house were constructed between 1972 and 1998, based on a review of the 1971 Underwriter’s Fire Insurance

Plan and a 1998 satellite photograph on Burlington Interactive Maps, the latter of which shows the current configuration of the house on the Subject Property (City of Burlington, 2022). Specifically, the commercial addition must have been constructed after 1973 since it would have been visible from the perspective in **Image 5**.

In 1989, the property owners were honoured with a Heritage Award for maintaining the historical character of the house (City of Burlington, 2022). Notes from 1995 refer to the Subject Property as well landscaped and a well-known landmark on Brant Street (Burlington Local Architectural Conservation Advisory Committee, 1995). After the house was converted for commercial use in 1974, the house was painted, and metal shutters were added to ground floor (**Image 6**).

Image 6: Façade in 2015 with painted brick, metal shutter added to the ground floor, and the paired wood brackets (City of Burlington, 2015)

2.9 The Garden of Canada

"The Garden of Canada" was used to describe the area of land below the Niagara Escarpment east of Hamilton as early as 1869 (Blaine, 1967:1). Burlington is situated between the Niagara Escarpment and Lake Ontario and is therefore considered within "The Garden of Canada." Burlington was known in the nineteenth and early twentieth century for its fertile land with sandy loam soils and a warm climate, which were optimal conditions for growing fruits and vegetables (Craig, 1902:39). Early settlers of Burlington, such as the Davis, Bray, and Ghent families, used their knowledge and expertise to take advantage of the fertile lands which led to Burlington's greatest industry: the market garden (Burlington Historical Society, N.d).

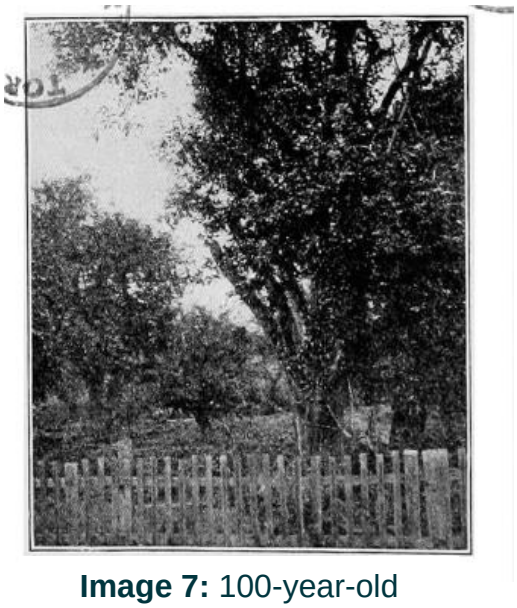


Image 7: 100-year-old apple trees planted by the Ghent's (Craig, 1902:40)

In 1792, Asahel Davis and Thomas Ghent, both United Empire Loyalists, left North Carolina and eventually ended up in Halton County by 1804, settling in Brant's Block. With them they brought apple trees which they planted in Brant's Block, and the trees prospered (Craig, 1902:39).

Brant Street and Maple Avenue, where significant market gardens were located, were routes that were connected to broader markets by the Grand Trunk Railway and the Hamilton Radial Electric Railway. Burlington was also a port where ships could sail in to collect local produce. The connection to shipping facilities allowed the Burlington market gardeners to pick their fruits in the morning and have them served fresh in Toronto hotels by evening (Craig 1902:4). The farm under the Ghent family was producing fruits such as apple, pear, plum, cherry, peach, currants, berries etc. (Craig, 1902:45). Other crops were also being produced such as tomatoes, melons, strawberries, raspberries, cabbage, cauliflower, roots of all kinds, wheat, oats, barley, rye, and clover (Craig, 1902:45). Farms such as Ghent's "Maple Lodge" noted in Craig's book were notable contributors to the market garden industry that shaped Burlington's early development.

During the late nineteenth century and early to mid twentieth century the market gardens made wealthy farmers and off-shoot industries, such as canning factories and basket making companies, prospered as well (Burlington Historical Society, n.d). Burlington farmers were pioneers in exporting perishable fruits in cold storage and supplying shipments with excellent freshness (Craig, 1902:4). However, beginning in the 1940s, the Brant Street business district expanded and by the late twentieth century, many market gardens disappeared to make way for development such as highway and residential neighbourhoods (Turcotte, 1992:12; Burlington Historical Society, n.d).

The Subject Property represents the early beginnings of the market garden industry in Burlington and is associated with one of the early significant contributors of the industry: William Ghent. The Subject Property is one of the few remnants of the market garden industry.

2.10 Summary of Land Use History of the Subject Property

In summary, the Subject Property has historical value as it is associated with significant early members of the community of Burlington who helped shape the brickmaking and market garden industries. The Subject Property included a 53 acre parcel of land in Lot 85, Plan 99 within Brant's Block that was purchased by Jabez Bent in 1854. With his brother James Cushie Bent, Jabez Bent constructed the original two-storey brick house on the Subject Property, known as "Maple Lodge," between 1854-1855. Jabez Bent, a brick mason, ran a brickyard on the 53 acre property. He earned a sterling reputation as a craftsman in the community. His brother, James Cushie Bent, was a master builder with an aptitude for joinery. Both Bent brothers contributed to the development of Burlington and built several notable structures, including the Queen's Hotel located at 400 Brant Street.

In 1859, Jabez Bent sold the 53 acre property containing the two-storey brick house to Frederick Bray, a farmer and small fruit grower who resided there until 1896. In 1864, Bray added a rear two-storey addition to the house. Upon his death, Frederick Bray was the last surviving founding member of Burlington Lodge (No. 165 A.F. & A.M.), which remains a Freemason meeting house to this day.

William Ghent, a third generation descendent of the Ghent family, purchased the 53 acre property from Frederick Bray in 1896. After that, Ghent continued operating the fruit farm established by Bray on the property. William Ghent was the grandson of Thomas Ghent, who settled in Nelson Township with his brother-in-law Asahel Davis in 1804, where the pair established the local fruit-growing market garden industry. The Ghent family were among the earliest European settlers in the community, after whom Ghent Avenue was named. Under William Ghent, the agricultural output of the Subject Property, of what became known as "Maple Lodge", was substantial, and it featured extensive orchards. The farm was a significant contributor to the nineteenth century market garden industry in Burlington.

In 1909, William Ghent sold a 5 acre parcel of land containing "Maple Lodge" to Edward Harmon, who was a gardener and maintained the property as a market garden despite its reduced size. Eventually, the property ended up under the ownership of the Brooks family from 1930-1972. During this time, they further subdivided the 5-acre parcel of land for sale, but they continued to the live in the "Maple Lodge" home. By 1974, the use of the house changed from residential to commercial.

Despite the changes to the property over the last century, the Subject Property is a physical reminder of the significant role that settlers made in Burlington's early industries of building and market gardening. The families that lived in the two-storey brick house were all significant contributors to Burlington's economic development.

3. Existing Conditions

3.1 Field Review

A field review of 795 Brant Street was undertaken by Tara Jenkins, Cultural Heritage Specialist with CAHP, on October 13, and November 8, 2022. There was no permission-to-enter the property and all photographs were taken from the public rights-of-way. Elevation photographs are provided below, and the inset photographs are compiled in **Appendix A**. **Figure 9**, in **Appendix B**, includes select photographs locations and orientations.

3.2 Site Description

The Subject Property, known municipally as 795 Brant Street, is located at the southeast corner of Brant Street and Prospect Street. Ghent Avenue is located to the south. The corner lot is irregular in shape and is approximately 0.33 acres in size. The property is north of the commercial core of Burlington. The property is comprised of a two-storey house built between 1854-1855 and includes several additions. The façade of the house faces Brant Street. In the 1970s, the residential building was converted for commercial use. The property has landscaping with trees that obscures the north elevation of the building from Prospect Street. There are no other outbuildings on the property and the rear of the property consists of a large, paved surface parking lot.

3.3 Surrounding Area

Brant Street is a four-lane wide road with a centre turning lane (**Photograph 16 and Photograph 17**). For the discussion of elevations in this CHER and consistency with previous heritage studies, Brant Street is considered to travel in a north-south orientation. Brant Street is a main throughfare that connects the Queen Elizabeth Way and Burlington's downtown core. The surrounding environs are composed of a variety of building typologies including groups of detached residences, low rise and high-rise apartment buildings, and low-rise commercial establishments. Currently, the area around this portion of Brant Street is transitioning from suburban to an urban mixed-use area.

Residential neighbourhoods branch off Brant Street in the vicinity of the Subject Property. A review of the historical mapping for this CHER indicates that the existing conditions today do not reflect the nineteenth century conditions which were rural in context, as described in the 1902 *The Garden of Canada* book (Craig, 1902), but rather the twentieth century development of the City of Burlington expanding northward. Except for the Subject Property, almost all of the nineteenth

century farm complexes have been replaced by more contemporary buildings along Brant Street, between the Queen Elizabeth Way and Lakeshore Road.

3.4 Architectural Description

The Subject Property contains a two-storey vernacular Georgian style brick house, determined in this CHER to be built between 1854-1855 (**Photograph 2**). The Georgian style represents an early Ontario architectural tradition. In the mid-nineteenth century, this house represented tradition and elegance and physically expressed a connection with England (Mikel, 2004:9). The style was brought to Ontario by early settlers such as United Empire Loyalists and the English (Mikel, 2004:9).

Photograph 2: Two-storey Georgian style brick house, built between 1854-1855 (AECOM, October 2022)

The original two-storey brick house is rectangular in form. The foundation is not visible from the public-right-of-way but appears to be brick[1]. There is a water table constructed of brick to deflect water running down the façade of the building away from the foundation.

The two-storey brick house was designed to be symmetrical as seen in its front elevation (west elevation). The Georgian style symmetry is expressed through the three-bay façade with the central entrance flanked on either side by a window. The front façade of the house retains its original fenestration. The windows are small in relation to the brick surface of the front façade, which is typical of the Georgian style (Mikel, 2004:14). Georgian style houses typically have square window openings, yet this dwelling features rectangular window openings, which is atypical of the Georgian style (Mikel, 2004:10). The shallow-pitched side end-gable roof has wide eaves, a wood soffit, and two inset unadorned brick chimneys balanced on the end walls.

After the 1970s[2], the original red brick of the original house was painted blue with faux white shutters. The house is constructed with hand-made local brick manufactured from the Bent's brickyard located on the historical lot. The brickwork of the front façade exhibits an eighteenth-century building technique known as Flemish bond, which was popular in Georgian style houses (Blumenson, 1990:8). Flemish bond is a decorative bond which was built to form a pleasing pattern with regularity. Flemish bond required skill to execute—skills that Jabez Bent possessed as a mason and bricklayer (Loth, 2020).

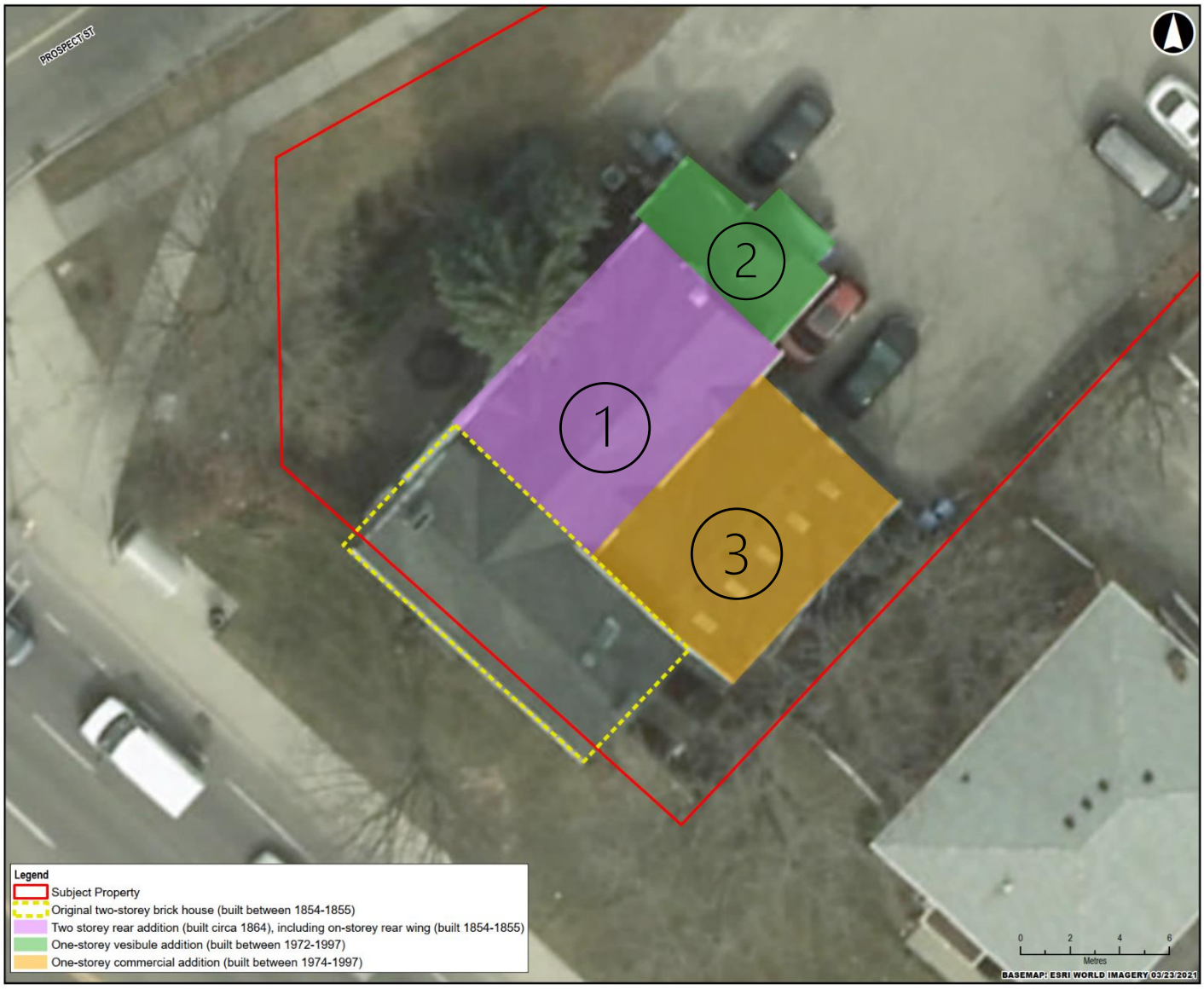
While Flemish bond was used in the main wall surface of the original house, other walls of the original house, including an original one-storey rear wing, was laid in a five-course common (English) bond pattern (header row followed by five courses of stretchers). Common bond is considered structurally stronger than Flemish bond and therefore was a preferred method for brick houses on the non-street facing walls and foundations of houses (Loth, 2020). These brick laying techniques means that the brick is structural, and the walls consist of two or three wythes or rows of brick bonded together by the headers (header bricks connect the multiple courses).

The remainder of the building, including all its additions, consists of stretcher bond (or running bond), which suggests that the brick was a veneer over a form of wood framework. However, stretchers as a non-structural application were not common until the late 19th century (Loth, 2020), so this may be the case for Additions 2 and 3, built in the late twentieth century. It most likely that the second storey of Addition 1, built circa 1864, was constructed of specialized bricks manufactured to link the facing wall to the bricks behind without reaching through the surface. This method was typically time consuming and expensive (N. Tausky, personal communication, November 20, 2022).

[1] The HIA by ATA Architects Inc. noted the foundation was unknown since the basement or crawl space was not accessible (2022).
[2] Unpainted in the 1973 photograph (see Image 5)

Image 8, below, provides a visual overview of the Subject Property, including the building additions based on the research compiled in this CHER. The original house built between 1854-1855 consisted of an L-shaped plan with the two-storey brick Georgian style house and a one-storey brick rear wing (potential kitchen tail), as evident by the brickwork (see section 3.4.3. for more information). Addition 1, built in circa 1864, consists of a two-storey rear addition designed according to the Ontario farmhouse style. Addition 1 was built into the original one-storey rear wing, and the wing is only now discernible by its common bond brick laying. Addition 2 was built between 1972 and 1997 and added a vestibule to the rear of the building once it was converted to commercial use. Addition 3 is a one-storey vernacular commercial addition that ties into Addition 1. Background research indicates it was built between 1974 and 1997.

Image 8: Current aerial photograph illustrating the original farmhouse footprint and its additions



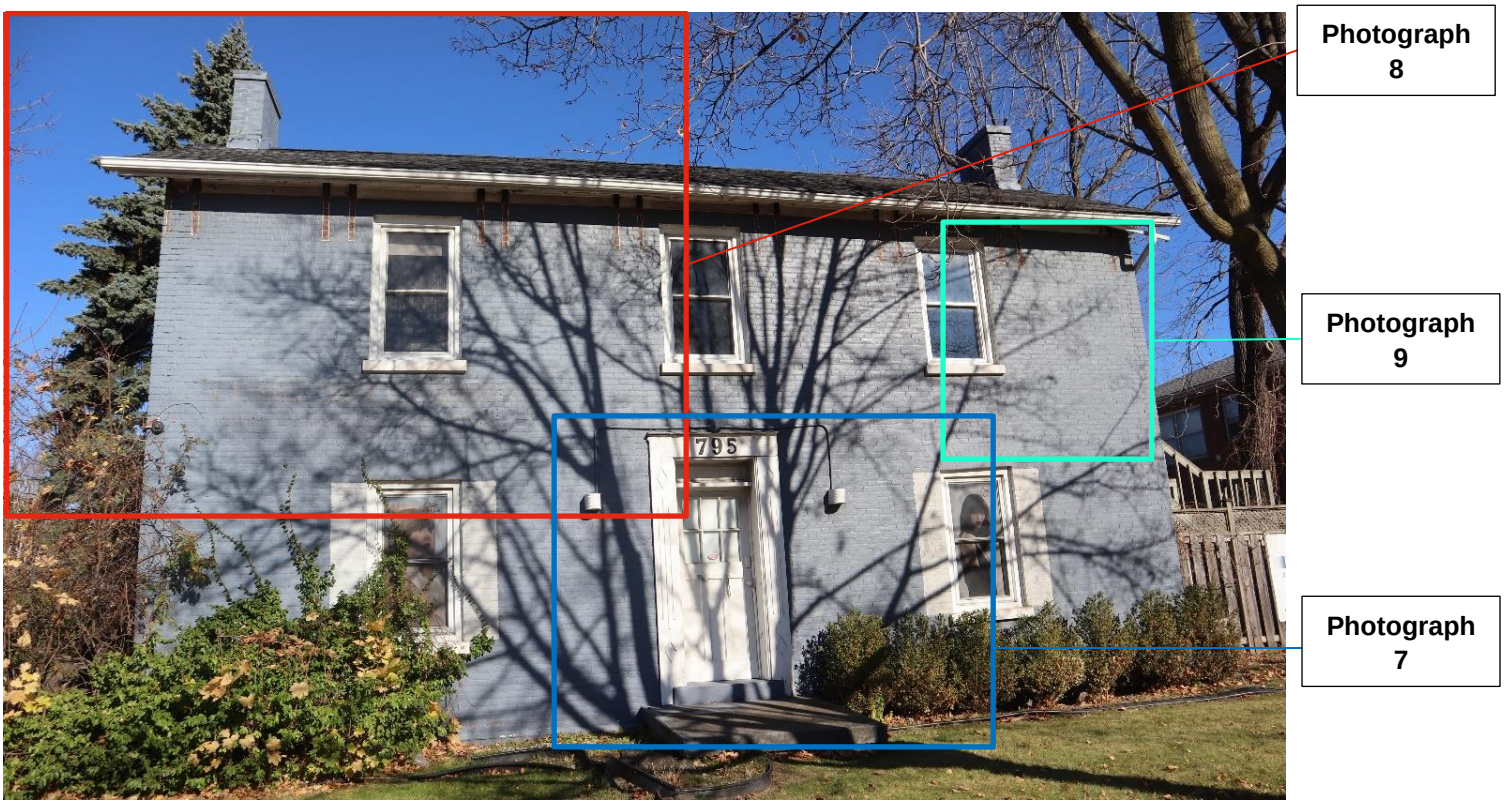
3.4.1 West Elevation - Exterior

The west (front) elevation of the building faces Brant Street (**Photograph 3**). The front façade is symmetrical in design as noted above, with a three-bay façade. The Georgian style windows are rectangular with jack-arched brick voussoirs (**Photograph 7**, **Photograph 8** and **Photograph 9**). The windows are single-sash vinyl windows with painted stone or concrete sills on the ground floor and sills with metal flashing on the second floor. The window openings lack a decorative surround. Faux shutters have been painted on the ground floor windows, however the 1902 image (**Image 2**) of the house suggests there were no shutters on the front façade. The house retains its original fenestration on the west elevation.

The main entrance is slightly recessed and includes a wooden three-panelled door with six windowpanes above the panels (**Photograph 7**). The wood door surround appears appropriate for the house's age, however the geometric design with vertical lines and triangles were likely added later, perhaps after the removal of the portico. The panelled door is typical of the Georgian style, and it is possible the glass was added later into the door. The door is the same as featured in the 1971 image of the house (**Image 4**). Another Georgian style feature on the main entrance is the modest narrow transom above the main entrance. The transom is only as wide as the door and there are no sidelights. This transom is typical of the eighteenth-century Georgian style building technique (Blumenson, 1990:8). It appears the transom contains wood and not glass. The glass may have been removed or covered. Leading to the main entrance is a concrete step which replaces an earlier porch with columns, as seen on **Image 2** in 1902. Modern light fixtures are surface mounted around the main entrance.

The location of the former decorative scrolled wood paired brackets below the wide eaves were removed in 2021 based on Google Street View imagery (**Photograph 8**). Their former location is evident by the spaces where there is an absence of paint on the brick. **Photograph 9** is a close-up of the Flemish bond brickwork on the west elevation.

Photograph 3: West Elevation – Original House (AECOM, November 2022)



3.4.2 South Elevation- Exterior

The south elevation is partially obscured by a wooden fence but features the end gable of the two-storey brick house (**Photograph 4**). Addition 3 is a commercial addition, seen in Photograph 4, with skylights in the roof, that was built between 1974 and 1997 and directly connects with Addition 1. Therefore, there are no architectural details of Addition 1 can be seen on the south elevation. The south elevation of Addition 3 is not visible from Brant Street, however the 2022 Heritage Impact Assessment completed by ATA Architects Inc. notes there are no windows on Addition 3 on this elevation. From what can be seen from the public right-of-way, the south elevation of the original two-storey brick house features brick laid in common bond with two openings: a former window, now a second storey entrance (**Photograph 11**), and a ground floor window. Above both openings there are jack-arched brick voussoirs. Both openings are centred on the south elevation (**Photograph 10**). Wooden stairs acting as a fire escape have been added to connect with the second storey entrance.

Photograph 4: South Elevation – Original House and Rear Commercial Addition (AECOM, November 2022)

3.4.3 North Elevation- Exterior

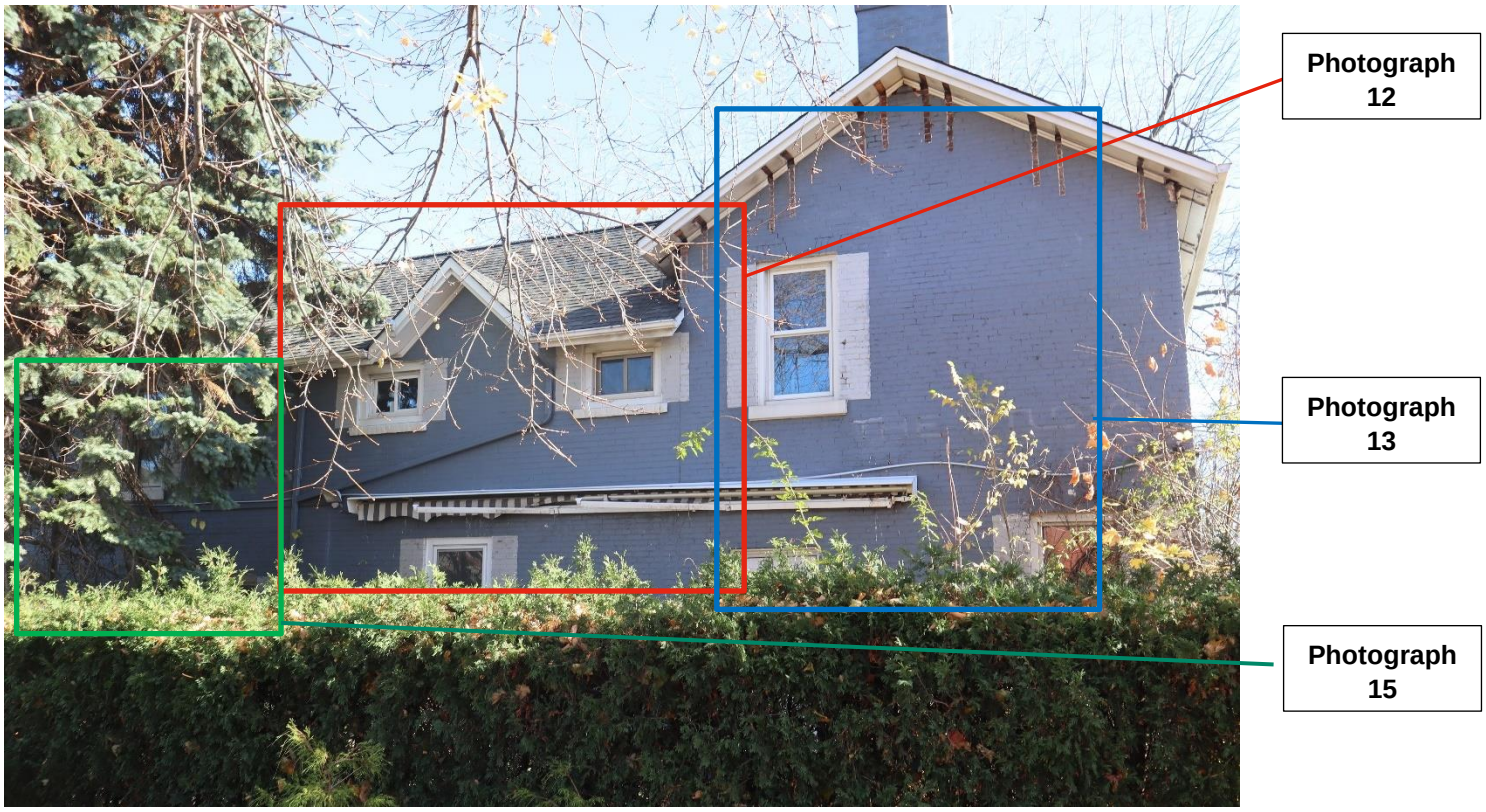
The north elevation consists of a partial view of the two-storey brick house and Addition 1. The view is partially obstructed by vegetation. The north elevation of the two-storey original house features brick that appears to be laid in common bond, however the condition of the brick is in poor condition evidenced by cracks and spalling (**Photograph 13**). This may be due to the connection of Addition 1 in circa 1864. It is possible some repair work may have been made in the past which replaced some headers with stretchers.

On the north elevation there is a second storey window on the original two-storey brick house (**Photograph 13**). The window has a rectangular opening with jack-arched brick voussoirs. The window is a single-sash vinyl window and a sill that has been flashed in metal. Unlike the east elevation, the upper storey window is situated on the north portion of this elevation. It is not clear in the brickwork if there was second window, however, the image of the house in 1971 (**Image 4**), shows a similar window fenestration. The ground floor of the main two-storey house contains a ground floor window in its original location on the south side of this elevation, however it is completely obscured by the vegetation. There is also an additional opening that has been added to the main two-storey house on the ground floor but was added later and does not have any brick voussoirs.

The remainder of the north elevation is partially obscured by vegetation; however, some observations can be made. The construction joint at which Addition 1 joins to the original two-storey house is visible (**Photograph 12**). The second storey of Addition 1 is designed with the vernacular Ontario farmhouse style and features two medium pitched gables. The *Canada Farmer* published prototypes on the common Ontario farmhouse style in 1864, the year Addition 1 was built (Brown, 1864). The gable closest to the rear of the house still retains a segmentally arched window with brick voussoirs (**Photograph 14**). In its place, two small windows were added on either side of the former opening which both have brick sills. The other window in the far gable has been enclosed; however, the segmentally arched brick voussoirs are still visible (**Photograph 12**). The second storey of Addition 1 is laid in stretcher bond which likely indicates the brick is a veneer over a wood frame addition.

Unlike the second storey, the ground floor of the two-storey house continues without a construction joint, as the common bond brickwork carries on into Addition 1. This is evidence that the original house had an L-shaped plan with a rear one-storey wing, however some alterations have been made, thus modifying the original brickwork. Two window openings have been added to the ground floor of the rear wing. One window, at the very north of the ground level, has been enclosed on the rear elevation, as evidenced by the jack-arched brick voussoirs (**Photograph 15**).

Photograph 5: North Elevation – Original House with Two-Storey Rear Extension (AECOM, November 2022)



3.4.4 East Elevation- Exterior

The east elevation consists of a view of Additions 1 to 3 (**Photograph 5**). All the additions are constructed of brick veneer. Due to peeling paint, it is evident that the one-storey Addition 2, built between 1972 and 1997 as a commercial entrance, is constructed of red brick. It has a gable roof. There is one single-sash rectangular window with a decorative course of brick above the window and brick sills. The rear vestibule has a decorative entrance with a round arched transom and two sidelights and an entrance canopy. There is a rug brick external chimney which was added later to the east elevation of Addition 1.

Addition 3, a one-storey commercial addition with a gable roof, was built between 1974 and 1997. The ground level consists of three single-sash rectangular windows with concrete sills. The gable roof has a medium pitch and includes skylights. This addition fills in the L-shape of the original house plan.

Photograph 6: East Elevation – View of the Two-Storey Rear Extension to the Original House with One-Storey Vestibule Addition and One-Storey Commercial Addition (AECOM, October 2022)

3.4.5 Interior

The interior of the building was not examined as part of this current CHER; however, a previous examination was conducted by ATA Architects Inc. and is summarized as follows.

The description provided by ATA Architects Inc. demonstrates the building was most recently used for commercial use. The architects found the interior configuration supports that a second storey was added to the original rear wing. ATA Architects Inc. concur that Addition 2 and 3 were added around the 1970s when the building was converted for commercial use.

The interior assessment by ATA Architects Inc. notes that the interior of the ground floor of the original two-storey house is one room deep and the main entrance along Brant Street has been infilled from the inside (ATA Architects Inc. 2022:73). The stairs had also been rearranged. The report indicates a fireplace is the only recognizable feature that can be attributed to the original house (ATA Architects Inc., 2022:73).

3.4.6 Adjacent Properties

The Subject Property contains the last farmhouse related to the nineteenth century on Brant Street. As noted above, **in Section 3.3**, the surrounding area consists of a mixed-use urban environment consisting mostly of buildings built in the late twentieth century. There are a few properties nearby that are on the City of Burlington Municipal Cultural Heritage Register.

The property at 2059 Ghent Avenue designated under Part IV of the *Ontario Heritage Act* (By-law 117-2001) is the closest property on the Register to the Subject Property. In 1914-1915 when the surrounding landscape was rural, it was annexed into the City of Burlington. The Harmons who owned part of the Ghent Survey (lots within Registered Plan 125), sold Lot 3 to John and Elizabeth West, who were also farmers on Brant Street, and former owners of the Subject Property. The Wests built 2059 Ghent Avenue in 1921. The house at 2059 Ghent Avenue is considered a valuable landmark and reminder of the farming origins of the area (By-law No. 117-2001).

In addition, a review of heritage properties between the Queen Elizabeth Way and Lakeshore Road was completed using the Heritage Properties Directory – City of Burlington map tool. The search focused on Brant Street and Maple Avenue, as they were routes significant in the market garden industry of Burlington. There are no buildings extant on Maple Avenue that were built in the mid-nineteenth century; however, 1134 Plains Road East, built in 1883, is nearby and represents the home of C.G. Davis, son of Gilbert Davis, built on the homestead of his grandfather Asahel Davis, who emigrated with Thomas Ghent in 1804 and brought the seedlings to start Burlington's market garden industry (Burlington Stories; Craig, 1902:39). The house may include remnants of an earlier house on the lot built by the Davis (Burlington Stories).

North of the Subject Property on Brant Street, at 906 Brant Street there is a handsome house, known as the "Edwin Freeman House", built in 1885. The house is a reminder of the former community of Freeman. It was built by A.B. Coleman who was a general contractor and lumber dealer and built many great houses for himself and others in Burlington (Craig, 1902:25). The house at 906 Brant Street was built later than the structure within the Subject Property and is associated with the lumber industry rather than a market garden property.

South of the Subject Property on Brant Street, the heritage properties consist of houses, stores, a carriage shop, and an undertaker, which were all built in the late nineteenth and early twentieth centuries. However, there is one designated property at 2021 Blairholm Avenue, that was built circa 1858 for Nelson Ogg. Originally, the house fronted Brant Street and comprised of a 50 acre fruit farm. George Blair bought the 50 acre lot in 1898 and went on to build homes and churches in Burlington (Heritage Burlington, n.d.). In 1935, the land was subdivided since the Town of Burlington was encroaching. Like Ghent Avenue, Blairholm Avenue was named to commemorate the Blairs that lived on the property (Heritage Burlington, n.d.).

Another house extant in Burlington is 736 King Road, referred to as the “Crown Farm”, was built from 1825-1845. However, *The Garden of Canada* book states the lot was cleared in the 1860s (Craig, 1902:71). Historically, the property was far west of the historical settlement area of Wellington Square, today in an urban setting in the City of Burlington. The farm produced apples, plums, tomatoes, melons, peaches and strawberries (Craig, 1902:71).

In summary, based on the screening of the Heritage Property Directory map tool, 795 Brant Street is the oldest building extant on Brant Street. It is one of three heritage properties currently within the City of Burlington that were nineteenth century fruit farms of early settlers that produced goods for the market garden industry.

3.5 Comparative Analysis

The general form and style of the house on the Subject Property at 795 Brant Street is a Georgian style brick farmhouse, which is a style of house found in the Burlington area and across various municipalities within Ontario. Many of these Georgian style houses between the 1780s and 1860s were built by the English and United Empire Loyalists (Blumenson, 1990). Upon settling in Upper Canada, the English and United Empire Loyalists often built according to their vernacular architectural traditions, skills and sometimes personal aesthetics (Blumenson, 1990:9).

This comparative analysis was undertaken to establish a baseline understanding of the similar two-storey Georgian style brick houses in the City of Burlington, and to determine if the property “is a rare, unique, representative, or early example of a style, type, expression, material or construction method” as described in the criteria of Ontario Regulation 9/06.

Comparative examples in **Table 4**, below, include properties on the City of Burlington Municipal Register of Cultural Heritage Resources, as well as screening for other potential cultural heritage properties that demonstrate similar architectural style to the Subject Property during the field review and by using Google Street View. To date, there are a total of 10 Georgian style structures included on the City of Burlington Municipal Register of Cultural Heritage Resources, however only six are most comparable in style/form to that of the Subject Property. No additional Georgian style houses outside the Register were identified through the screening exercise. The City of Burlington provided AECOM with an information table of Georgian style houses on the Municipal Register, which was used to create **Table 4** in this CHER.

The following observations were noted in analyzing the comparable structures within these properties. These examples are similar in the following ways:

- All properties include a Georgian style house
- All are two storeys in height
- All have symmetrical front facades

- Two of the six are constructed of brick
- Five of the six were constructed prior to 1856
- Two of the six have cornice brackets
- Four of the six feature a three-bay façade; the remaining two are five-bay
- Two of the six have gable roofs with chimneys at each end
- Five of the six are within a residential urban context except for one in a rural context
- Four of the six structures feature a portico on the front façade

Table 4: Comparative Analysis

Address	Heritage Status	Picture	Age	Material	Style
2429 Lakeshore Road	Non-designated	(Google Street View, 2022)	1840s	Frame	This two-storey, five-bay Georgian house known locally as 'The Halsted Inn' was relocated to its present location in 1920 when Water Street was widened. It was originally a frame structure clad with wood clapboard siding. The original windows were twelve-over-twelve wood sash, some of which survive as basement windows. The structure features a low-pitched end gable roof and is supported by hand hewn 25-foot-long wooden beams.
6391 Walker's Line	Non-designated	(City of Burlington, 2018)	1853	Stone	This two-storey, five-bay Georgian house was constructed of stone and features a truncated hipped roof. The ground floor windows are taller than those on the second storey and have stone sills. All are restored six-over-six sash windows with replacement shutters. A running course extends across all elevations just below the second storey windows. Rusticated stone quoins accent the corners of the house. The main entrance has a rectangular transom and sidelights and is covered by a replacement portico that is compatible in design to the original house.

Address	Heritage Status	Picture	Age	Material	Style
6507 Walker's Line	Non-designated	(The Burlington Historical Society, 2022)	1857	Brick	This two-and-a-half-storey, three-bay Georgian house is known locally as 'The William Gastle Century Farmhouse.' It features a low-pitched end gable roof with dormer windows. The windows are rectangular six-over-one sash with stone sills. Under the eaves are decorative wood cornice brackets. There are signs of an original front verandah on the brick façade.
2477 Glenwood School Drive	Designated (By-law 85-1993)	(Google Street View, 2022)	1838	Limestone	This two-storey, three-bay Georgian house known locally as 'Locust Lodge' is one of the oldest farmhouses in Burlington, constructed by James Willson ca. 1838. The stonemason who worked on the house was likely the same who constructed two other early houses on the Guelph Line, known as 'Ireland House' and 'Shady Cottage.' The parging was done in an ashlar pattern and is indicative of the prosperity of the original farm owners. The house features a hipped roof and exterior chimney on the façade. There is also a one-and-a-half storey rear addition to the original house.

Address	Heritage Status	Picture	Age	Material	Style
482 Elizabeth Street	Non-designated	(City of Burlington, 2020)	1873	Painted Brick	This two-storey, three-bay Georgian house known locally as 'The Laing-Speers House' was originally constructed for James and Christina Laing. It features an end gable roof with chimneys on either side. The gable ends are pedimented by closed eaves. The ground floor bay windows were believed to have been added in 1902 by a subsequent owner named Austin H. Speers. Around this time, the current one-over-one sash windows likely replaced earlier multi-pane windows. The central entrance features a rectangular transom with sidelights and is covered by a portico.
524 Emerald Street	Designated (By-law 83-1995)	(Google Street View, 2022)	1937	Stucco	This two-storey, three-bay Neo-Georgian house was constructed as part of Ellis Hughes Cleaver's Emerald Crescent district development plan. It features a hipped roof and true casement windows with divided lights. The front entrance portico is supported by Ionic columns and was built as part of a Heritage Award winning renovation in 1989, which restored the original details of the house.

3.6 Summary of the Existing Conditions and Comparative Analysis

Design/Physical Value- Summary

The original house retains its overall form, scale and massing. The original house includes three additions that were built in various stages beginning in circa 1864. The 1864 two-storey Ontario farmhouse style brick addition (Addition 1) is compatible with but distinct from the Georgian design of the original house. The two late twentieth century additions (Additions 2 and 3) do not support the property's representation as a Georgian style house; however, the additions are reversible and do not diminish the integrity of the original house or the later two-storey brick addition (Addition 1).

Based on the similarities 795 Brant Street has with the comparative examples featured in **Table 4** above, including that four of the six are two-storey, three-bay, Georgian style houses like 795 Brant Street, the Subject Property is not considered a rare or unique Georgian style house in the City of Burlington. However, the comparative analysis and the existing conditions assessment indicates, the Subject Property is an early example of a Georgian style brick house built in the City of Burlington. Among the comparative examples built in the mid-nineteenth century, the house at 795 Brant Street is the earliest Georgian style house that is constructed of brick in the city. Other early examples of Georgian houses in the City of Burlington were constructed of wood or stone. The house on the Subject Property is also the oldest house on Brant Street, and it is one of three heritage properties in the city left in Burlington associated with the nineteenth century market industry.

Like the dwelling at 2477 Glenwood School Drive, the original portico of the three-bay Georgian style house at 795 Brant Street has been removed and only the original wood door surround remains. Although 2477 Glenwood School Drive was constructed of stone, the house was built by a skilled stonemason, similar to the skilled builders that constructed 795 Brant Street. Given that the house at 795 Brant Street is an early brick form of a Georgian style house, which includes the use of the Flemish bond bricklaying technique, the Subject Property therefore does display a high degree of craftsmanship for the era in which it was built. Despite the craftsmanship it took to build the house, the house was constructed using typical methods and materials for a Georgian style house built by a skilled mason in the mid-nineteenth century. Therefore, the house on the Subject Property does not display a high degree of technical or scientific achievement.

Contextual Value- Summary

The character of the area surrounding 795 Brant Street has changed over time from agrarian to suburban, and more recently transitioning to an urban mixed-use area. As such, while the

farmhouse within Subject Property is one of the last remaining vestiges of what was historically an agricultural landscape along this stretch of Brant Street, the character of the area is no longer rural. Instead, the Subject Property is now at the northern periphery of the Burlington Downtown Core. Therefore, the Subject Property is not important in defining, maintaining, or supporting the character of the area.

Based on the historical research conducted for this CHER, a driveway entrance that once connected the Subject Property to historic Brant Street was moved to Prospect Street when the use of the property changed from residential to commercial. The site visit showed that the property is no longer connected to Brant Street. The elements that once defined the property entrance are also no longer present. For instance, in 1902 a brick and wood picket fence once stood at the property line along Brant Street, beside the driveway entrance. Decades later, a hedgerow replaced the former fence along the property line, and a decorative bridge connected the property to Brant Street. Those connections to Brant Street are no longer present, and the property is no longer accessible from Brant Street. In addition, the greenhouse shown on the 1924 Fire Insurance Plan, and other buildings that supported the market garden on the property, have been removed, and the property reduced in size to a small parcel of land. Therefore, the Subject Property is no longer physically, functionally, visually or historically linked to its current surroundings.

Currently, the house is screened by a variety of vegetation. However, despite this reversible obstruction of views of the house, the house is seen by the community as a landmark at the corner of Brant and Prospect Streets, based on the community's interest outlined in heritage reports since 1995 and in the local newspaper, the *Burlington Gazette*. It is the last mid-nineteenth century house associated with the early industries of brick making and market gardening along Brant Street. The design of this house for its era as a Georgian style was seen as elegant or substantial. Despite being a modest or vernacular form of this style, it is visually distinctive from its surrounding landscape and is a physical reminder of the history of the area. Therefore, this property is seen as a landmark within the City of Burlington.

4. Cultural Heritage Evaluation

The following evaluation uses Ontario Regulation 9/06 of the *Ontario Heritage Act* to determine if the property at 795 Brant Street has cultural heritage value or interest. Background research and consultation with the municipality confirmed that 795 Brant Street has previously been subject to six property-specific heritage evaluations, which were completed in 1995, 2003, 2014, 2015, and 2022. Two of the prior heritage evaluations were completed in 2022, which resulted in the property being added back to the Municipal Cultural Heritage Register. Another evaluation was completed for the Heritage Impact Assessment prepared by ATA Architects Inc. for Camarro Developments Inc. in September 2022. Both evaluations in 2022 found the property to meet the criteria of Ontario Regulation 9/06.

4.1 Ontario Regulation 9/06

Ontario Regulation 9/06 provides the Criteria for Determining Cultural Heritage Value or Interest under the *Ontario Heritage Act*. This regulation was created to ensure a consistent approach to the identification of heritage properties under *Ontario Heritage Act*. A property must meet at least one of the criteria outlined in the regulation to merit designation under Part IV of the *Ontario Heritage Act*.

1) The property has ***design or physical value*** because it:
   - Is a rare, unique, representative or early example of a style, type, expression, material or construction method;
   - Displays a high degree of craftsmanship or artistic merit; or
   - Demonstrates a high degree of technical or scientific achievement.
2) The property has ***historic or associative value*** because it:
   - Has direction associations with a theme, event, belief, person, activity, organization, or institution that is significant to a community;
   - Yields, or has the potential to yield information that contributes to an understanding of a community or culture; or
   - Demonstrates or reflects the work or ideas of an architect, artist, builder, designer, or theorist who is significant to a community.
3) The property has ***contextual value*** because it:
   - Is important in defining, maintaining, or supporting the character of an area;
   - Is physically, functionally, visually, or historically linked to its surroundings; or
   - Is a landmark.

The application of the criteria to evaluate the Subject Property is included in **Table 5** below.

Table 5: Ontario Regulation 9/06 Evaluation for 795 Brant Street

Criteria	Meets Criteria (Yes/No)	Rationale
1) The property has *design or physical value* because it:		
i) Is a rare, unique, representative, or early example of a style, type, expression, material or construction method.	Yes	■ The structure at 795 Brant Street is an early example of a brick-built vernacular Georgian style two-storey house. Named “Maple Lodge”, the building consists of the main house with a rear wing forming an L-shaped plan. The original house was constructed between 1854 and 1855. The house includes three additions that were constructed in various stages. The substantial two-storey brick addition was built circa 1864, followed by two modern commercial additions built in the late twentieth century. ■ The original two-storey brick house retains its overall form, scale and massing, with its symmetrical façade. The symmetry of the Georgian style is expressed through its three-bay façade with a window on either side of the central entrance. The house is rectangular in form with a shallow-pitched end gabled roof, wide eaves, and two inset unadorned brick chimneys balanced on the end walls. Typical of the Georgian style, the rectangular shaped windows with jack-arched brick voussoirs are small in relation to the brick surface of the front façade. The house retains its original fenestration on the front façade. The house, constructed of hand-made brick manufactured on-site, was laid in Flemish bond on the façade. Other elevations of the original house were laid in common bond. The main entrance is slightly recessed and includes a panelled door with windowpanes surrounded by a wood door surround. The windowpanes may be a later addition to the original door. A decorative geometric pattern has been applied to the door surround, which is likely not original to this Georgian style feature. A narrow transom only as wide as the main entrance is present, which is typical of the Georgian style. ■ The two-storey rear addition (Addition 1) includes the original one-storey rear wing as evidenced by the continuation of brick laid in common bond visible on the north elevation of the ground level. A second storey was added in 1864 to the one-storey

Criteria	Meets Criteria (Yes/No)	Rationale
		rear wing and is designed in accordance with the vernacular Ontario farmhouse style which complements the original house but is distinct from it. The second storey has brick laid in stretcher bond. The addition features two medium pitched gables with segmentally arched windows and voussoirs. One window has been infilled, but the segmentally arched voussoirs are still present. ■ The late 20th century additions (Addition 2 and 3) do not support the property's representation as a Georgian style house; however, the additions are reversible and do not diminish the integrity of the original house and Addition 1.
ii) Displays a high degree of craftsmanship or artistic merit.	Yes	■ The house located at 795 Brant Street was constructed by a master builder, James Cushie Bent, and brickmaker and mason, Jabez Bent, and therefore displays a high degree of craftsmanship for its era as a substantial brick structure. In particular, the original 53 acre property with this house included a brickyard, and the house would have been made from the hand-made bricks manufactured on-site. The brick is laid on the façade in Flemish bond which took a skilled bricklayer, such as Jabez Bent, to execute.
iii) Demonstrates a high degree of technical or scientific achievement.	No	■ The house located at 795 Brant Street was built using typical methods and materials for a Georgian style house built by a skilled mason in the mid-nineteenth century. As such, the property does not demonstrate a high degree of technical or scientific achievement.
2) The property has *historic value or associate value* because it:		
i) Has direct associations with a theme, event, belief, person, activity, organization, or	Yes	■ 795 Brant Street has historical value with direct associations with a theme and persons who are significant to the community of Burlington. ■ The property at 795 Brant Street has historical value as it is associated with brickmaking and early market gardening in the community of Burlington. The property included a 53 acre parcel of land in Lot 85, Plan 99 within Brant's Block that was purchased by Jabez Bent in 1854. With his brother James Cushie Bent, Jabez Bent constructed the original

Criteria	Meets Criteria (Yes/No)	Rationale
institution that is significant to a community.		two-storey, nine-roomed, brick house on the property, known as “Maple Lodge,” between 1854-1855. Jabez Bent, a brick mason, ran a brickyard on the 53 acre property. He earned a sterling reputation as a craftsman in the community. His brother, James Cushie Bent, was a master builder with an aptitude for joinery. Both Bent brothers contributed to the development of Burlington and built several notable structures, including the Queen’s Hotel located at 400 Brant Street. ■ In 1859, Jabez Bent sold the 53 acre property containing two-storey brick house to Frederick Bray, a farmer and small fruit grower who resided there until 1896. William Ghent, a third generation descendent of the Ghent family, purchased the 53 acre property from Frederick Bray in 1896. After that, Ghent continued operating the fruit farm established by Bray on the property. Under William Ghent, the agricultural output of the 53 acre property, which became known as “Maple Lodge”, was substantial, and it featured extensive orchards. The farm at 795 Brant Street contributed significantly to the nineteenth century market garden industry in Burlington. In 1909, William Ghent sold a 5 acre parcel of land containing “Maple Lodge” to Edward Harmon, who was a gardener and maintained the property as a market garden until 1919 even with its reduced size. ■ Despite the changes to the property over the last century, 795 Brant Street is a physical reminder of the significant role that the Bent, Bray, Ghent, and Harmon families made in Burlington’s early industries of building and market gardening. The families that lived in the two-storey brick house on the property were all significant contributors to Burlington’s economic development.
ii) Yields or has the potential to yield information that contributes to an understanding of a	Yes	■ The history of the property at 795 Brant Street yields information about the lives of the masons, builders, and the market gardeners who played a significant role in the development of Burlington. ■ The property at 795 Brant Street played a significant role in the City of Burlington’s brickmaking and market garden industries. Brickmaking began on the historic lot in

Criteria	Meets Criteria (Yes/No)	Rationale
community or culture.		1854 by Jabez Bent who contributed to Burlington's architectural history. After 1859, the lot was used as a market garden where a successful fruit farm was developed by the Bray family and later the Ghent family.
iii) Demonstrates or reflects the work or ideas of an architect, artist, builder, designer, or theorist who is significant to a community.	Yes	■ Between 1854-1855, the brothers Jabez and James Cushie Bent constructed the original two-storey Georgian style brick house on a 53 acre parcel of land containing 795 Brant Street, which is a demonstration of their work in the community of Burlington. Jabez Bent, a mason and his brother, James Cushie Bent, a master builder, often collaborated and constructed buildings that remain standing in 2022, including two houses: 247 Malvern Road (moved from 466 Elizabeth Street) and 3265-3269 North Service Road, one hotel at 400 Brant Street (now The Queen's Head Pub), and a brick wall for the Union Burying Ground. Ultimately, the house at 795 Brant Street reflects the ideas of the Bent brothers, who brought from England a deep knowledge of their respective trades, which they used to assist in building up the local community during a pivotal time of development.
3) The property has *contextual value* because it:		
i) Is important in defining, maintaining or supporting the character of an area.	No	■ The character of the area surrounding 795 Brant Street has changed over time from agrarian to urban. As such, while the house on the property is one of the last remaining vestiges of what was historically an agricultural landscape of farms and market gardens along this stretch of Brant Street, the character of the area is no longer rural. Instead, the property is now at the northern periphery of the Burlington Downtown Core. Therefore, 795 Brant Street does not define, maintain, or support the character of the area.
ii) Is physically, functionally, visually, or historically linked to its surroundings.	No	■ The house at 795 Brant Street stands as a relic of what was once an agricultural area on the outskirts of Wellington Square (later Burlington). Over time, urban development along Brant Street as the City of Burlington expanded, which altered the surrounding landscape. As a result, the property was subdivided into smaller parcel lots, which removed the house from its rural, agrarian context. Additionally, a driveway entrance

Criteria	Meets Criteria (Yes/No)	Rationale
		that once connected the property to Brant Street was moved to Prospect Street when the use of the property changed from residential to commercial. The landscape elements that once defined the property facing Brant Street have also been removed. As such, 795 Brant Street is no longer physically, functionally, visually, or historically linked to its surroundings.
iii) Is a landmark.	Yes	■ Although the house is screened by a variety of vegetation, it is seen by the community as a landmark at the corner of Brant and Prospect Streets, based on the community's interest outlined in heritage reports since 1995 and the local newspaper, the *Burlington Gazette*. It is the last mid-nineteenth century house associated with the early industry of brick making and market gardening along Brant Street. The design of this house for its era as a Georgian style was seen as elegant or substantial. Despite being a modest or vernacular form of this style, it is visually distinctive from its surrounding landscape and is a physical reminder of its historical past. Therefore, this property is seen as a landmark within the City of Burlington.

The property located at 795 Brant Street meets the criteria of Ontario Regulation 9/06, and therefore retains cultural heritage value and interest at the local level, and merits designation under Section 29, Part IV of the *Ontario Heritage Act*.

5. Draft Statement of Cultural Heritage Value and Heritage Attributes

Based on the background research, including a historical overview of the property, the field review, and application of Ontario Regulation 9/06 as part of this CHER, the following Statement of Cultural Heritage Value has been drafted.

Name: 795 Brant Street
Alternative Names: Maple Lodge, William Ghent House, Bray-Ghent House, Bent-Bray-Ghent House

Description of the Property

795 Brant Street is an irregular shaped property that is 0.33 acres in size. It consists of a two-storey Georgian style brick house with a rear extension and later additions. The property is located at the southeast corner of Brant Street and Prospect Street. The property is historically located on part of Lot 85, Plan 99 (Brant's Block), and later in 1909, part of Lot 1, Registered Plan 125 (Ghent's Survey) in the former Township of Nelson, Halton County, now in the City of Burlington, Regional Municipality of Halton, Ontario.

Draft Statement of Cultural Heritage Value

The property at 795 Brant Street has design/physical value, historical/associative value and contextual value.

Design/Physical Value

The property has design value as an early example of a brick-built vernacular two-storey Georgian style house built between 1854 and 1855. The original house retains its overall form, scale and massing, with its symmetrical front façade. The symmetry of the Georgian style is expressed through its three-bay façade with a window on either side of the central entrance. The original house is rectangular in form with a shallow-pitched end gabled roof, wide eaves, and two inset unadorned brick chimneys balanced on the end walls. Typical of the Georgian style, the rectangular shaped windows with jack-arched brick voussoirs are small in relation to the brick surface of the front façade. The house retains its original fenestration on the front façade. The house, constructed of hand-made brick made on-site, was laid in Flemish bond on the front façade. Other elevations of the 1854-1855 house were laid in common bond. The main entrance is slightly recessed and includes a panelled door with windowpanes surrounded by a wood door surround. The windowpanes may be a later addition to the original door. A decorative geometric pattern has been applied to the door surround, which is not likely original to this Georgian style

feature. A narrow transom only as wide as the main entrance is present, which is typical of the Georgian style.

The original house has a two-storey rear addition (Addition 1) which includes an original one-storey rear wing as evidenced by the continuation of brick laid in common bond and jack-arched voussoirs visible on the north elevation along length of the ground level. A second storey was added in 1864 to the one-storey rear wing and is designed in accordance with the vernacular Ontario farmhouse style which complements the original house but is distinct from it. The second storey has a brick veneer laid in stretcher bond. The addition features two medium pitched gables with segmentally arched windows and voussoirs. One window has been infilled but the segmentally arched voussoirs are still present.

The late 20th century rear one-storey commercial additions do not support the property's representation as a Georgian style house; however, the additions are reversible and do not diminish the integrity of the original house and the 1864 rear addition.

Given 795 Brant Street was constructed by a brickmaker and mason, Jabez Bent, and by his brother, James Cushie Bent, a master builder, the property displays a high degree of craftsmanship for its era as a substantial brick structure. In particular, the original 53 acre property containing this house included a brickyard run by Jabez, and the house would have been built from hand-made bricks manufactured on-site. The brick is laid on the front façade in Flemish bond which took a skilled bricklayer, such as Jabez Bent, to execute. Ultimately, the house at 795 Brant Street reflects the architectural ideas of the Bent brothers, who brought from England a deep knowledge of their respective trades, which they used to assist in building up the local community during a pivotal time of development.

Historical/Associative Value

The property at 795 Brant Street has historical value and direct associations with a theme and persons who are significant to the community of Burlington. The property and the nineteenth century owners of 795 Brant Street played a significant role in the City of Burlington's brickmaking and market gardening industries. The Subject Property was included in the purchase of a 53 acre property in Lot 85, Plan 99 within Brant's Block that was purchased by Jabez Bent in 1854. With his brother James Cushie Bent, Jabez Bent constructed the original two-storey brick house on the Subject Property, known as "Maple Lodge." Jabez Bent earned a sterling reputation as a craftsman in the community. His brother, James Cushie Bent, was a master builder with an aptitude for joinery. Both Bent brothers contributed to the development of Burlington, constructing buildings, some of which remain standing and are considered significant to the community today. Structures built by the Bent brothers in collaboration include: two houses at 247 Malvern Road (moved from 466 Elizabeth Street) and 3265-3269 North Service Road, one hotel at 400 Brant

Street (now The Queen's Head Pub), and a brick wall for the Union Burying Ground, all of which are remain extant in Burlington.

In 1859, Jabez Bent sold the 53 acre property containing two-storey Georgian style brick house to Frederick Bray, a farmer and small fruit grower who resided there until 1896. William Ghent, a third generation descendent of the Ghent family whose grandfather helped establish the fruit growing industry to the area, purchased the 53 acre property from Frederick Bray in 1896. After that, Ghent continued operating the fruit farm established by Bray on the property. Under William Ghent, the house was named "Maple Lodge" and the agricultural output of the property was substantial, as well as featuring extensive orchards. The farm at 795 Brant Street contributed significantly to the nineteenth century market garden industry in Burlington. In 1909, William Ghent sold a 5 acre parcel of land containing "Maple Lodge" to Edward Harmon, who was a gardener and maintained the property as a market garden despite its reduced size until 1919.

Despite the changes to the property over the last century, including its use as a commercial establishment beginning in the 1970s, 795 Brant Street is a physical reminder of the significant role that the Bent, Bray, Ghent, and Harmon families played in Burlington's early industries of building and market gardening. The history of the property at 795 Brant Street yields information about the lives of the masons, builders, and market gardeners who played a significant role in the economic development of Burlington.

Contextual Value

Although the house is screened by a variety of vegetation, the property has contextual value as a local landmark. Despite this reversible obstruction of views of the house, the house is seen by the community as a landmark at the corner of Brant and Prospect Streets, based on the community's interest outlined in heritage reports beginning in 1995. 795 Brant Street is one of three heritage properties (1134 Plains Road East, 2021 Blairholm Avenue, 736 King Road) currently within the City of Burlington that were nineteenth century fruit farms of early settlers that produced goods for the market garden industry.

Heritage Attributes

The following heritage attributes contribute to the cultural heritage value of 795 Brant Street:

1854-1855 Original house:

- Style, form, scale and massing of the two-storey brick Georgian style house
- Symmetrical design of the three-bay front façade (west elevation) with windows on either side of the central entrance
- Shallow-pitched end gabled roof with wide eaves and inset brick chimneys at each end wall
- Recessed main entrance with panelled door and wood surround on the front façade (west elevation)

- Narrow transom as wide as the main entrance on the front façade
- Rectangular window openings with jack-arched brick voussoirs
- Original fenestration on the front façade (west elevation)
- Front façade (west elevation) laid in Flemish bond
- North and south elevations (side) laid in common bond
- Window fenestration on the front façade (west elevation)
- Proportion of windows to brick face of the front façade

1864 Addition and original 1854-1855 rear wing:

- Style, form, scale and massing of the two-storey addition
- Two gables on the north elevation with windows and segmentally arched voussoirs
- Ground floor with brick laid in common bond

6. Conclusions and Recommendations

6.1 Conclusions

The Subject Property at 795 Brant Street is located at the southeast intersection of Brant Street and Prospect Street. Historically, the property was situated on part of Lot 85, Plan 99 in Brant's Block and Lot 1, Registered Plan 125 (Ghent's Survey) in the former Township of Nelson, Halton County, now in the City of Burlington, Ontario. The Subject Property contains a two-storey Georgian style house with a two-storey rear extension and modern commercial and vestibule additions. Based on background research conducted for this CHER, the original brick house was constructed in 1854-1855. Currently, the property is listed on the City of Burlington Municipal Register of Cultural Heritage Resources as a non-designated heritage property.

Given that 795 Brant Street met at least one of the criteria of Ontario Regulation 9/06 of the *Ontario Heritage Act*, this property may be considered for municipal designation under the *Ontario Heritage Act*. In particular, it was determined to retain design value as an early example of a brick-built Georgian style house with historical associations to early industries in Burlington and significant families, including the Bent, Bray, and Ghent families. The property at 795 Brant Street was determined to have contextual value as the farmhouse is seen as a local landmark at the corner of Brant and Prospect Street and stands as one of the last remaining structures in Burlington with connections to the community's history of market gardening.

6.2 Recommendations

The Subject Property at 795 Brant Street was evaluated according to the criteria mandated by the province of Ontario under Ontario Regulation 9/06. The evaluation determined that the property meets the criteria and as a result the property was determined to possess cultural heritage value. It is recommended that the City of Burlington proceed with the designation of 795 Brant Street under Section 29, Part IV of the *Ontario Heritage Act*.

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Appendix A

Photographs

Photograph 7: View of the front entrance, located on the west elevation (AECOM, October 2022)

Photograph 8: View of the front façade (west elevation) of the original house, showing the former location of the paired cornice brackets (AECOM, November 2022)

Photograph 9: Close-up of the façade (west elevation) of the original house, showing the Flemish Bond brickwork (AECOM, November 2022)

Photograph 10: View of the south elevation of the original house with openings centred on the elevation (AECOM, November 2022)

Photograph 11: Close-up of the south elevation of the original house, showing the common bond brickwork (AECOM, November 2022)

Photograph 12: View of the north elevation of the two-storey addition (Addition 1), showing former gable window opening with segmentally arched brick voussoirs and the second storey construction joint (AECOM, October 2022)

Photograph 13: View of the north elevation of the original house, showing the brickwork and jack-arched brick voussoirs of the second storey above the window (AECOM, October 2022)

Photograph 14: View of the east elevation of the Subject Property, showing Addition 1 and Addition 2 – the rear vestibule addition (AECOM, November 2022)

Photograph 15: Close-up of the ground floor of Addition 1, showing the jack-arched brick voussoir of former window opening and common bond brickwork behind the tree coverage (AECOM, November 2022)

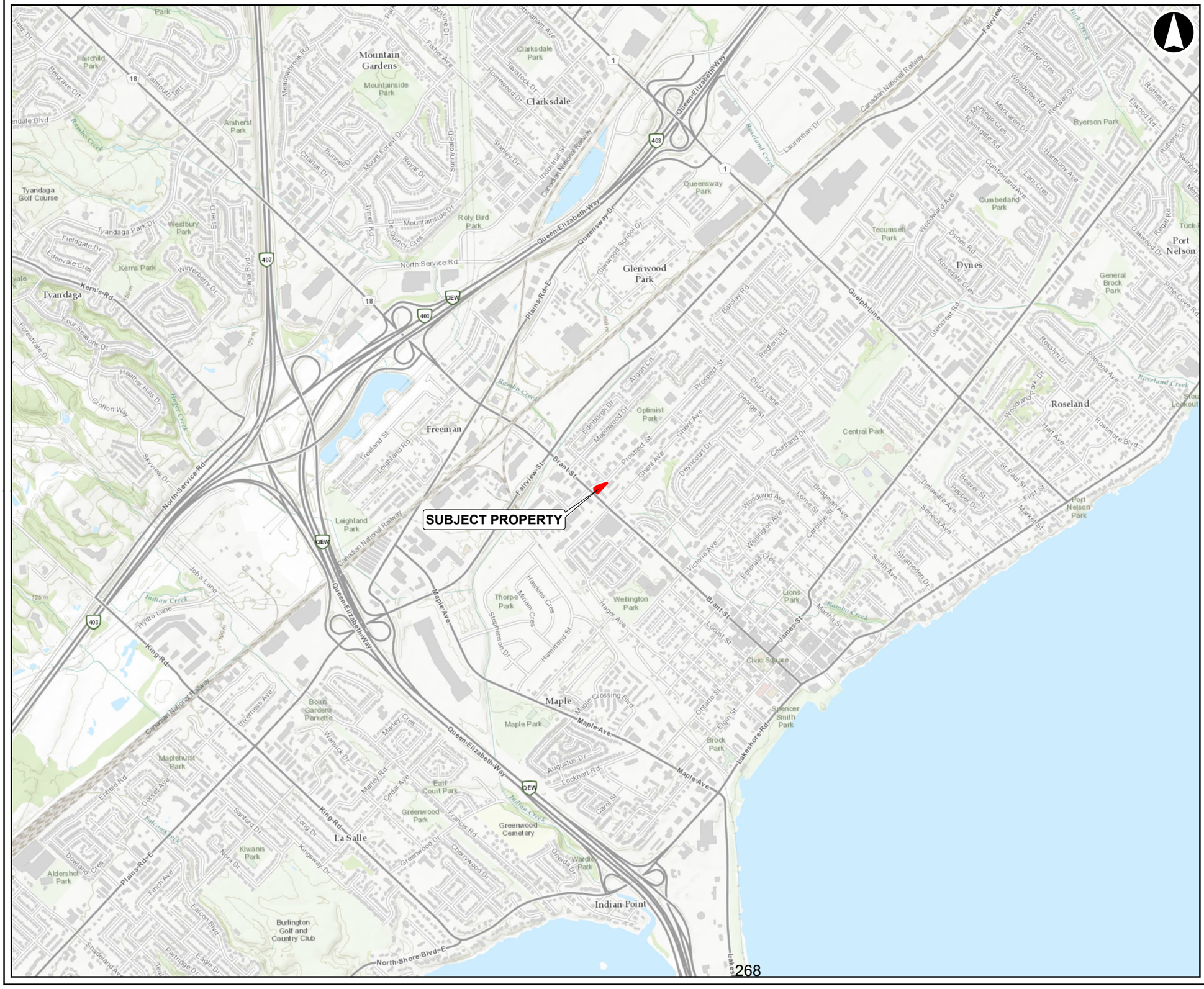
Photograph 16: View of 795 Brant Street, showing Brant Street looking north (AECOM, October 2022)

Photograph 17: View of Brant Street, showing Brant Street looking south (AECOM, October 2022)

Photograph 18: View from the sidewalk across from the Subject Property looking north, showing the Brant Street intersection with Grahams Lane (AECOM, October 2022)

Appendix B

Mapping



Legend

Subject Property

CULTURAL HERITAGE EVALUATION REPORT
795 BRANT STREET

LOCATION OF THE SUBJECT PROPERTY ON TOPOGRAPHIC IMAGERY

0 — 0.5 — 1 — 1.5

Kilometres

Datum: NAD 1983 UTM Zone 17N

Nov, 2022	PN#: 60693263	1:20,000 * when printed 11"x17"	AECOM

Figure 1

Service Layer Credits: Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community

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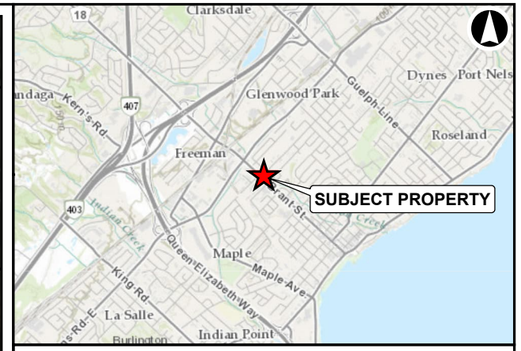

Legend

- Subject Property
- Parcels

CULTURAL HERITAGE EVALUATION REPORT
795 BRANT STREET

LOCATION OF THE SUBJECT PROPERTY ON AERIAL IMAGERY (WITH SELECT PHOTOGRAPH LOCATIONS)

0 10 20 30 40 50
Metres

Datum: NAD 1983 UTM Zone 17N

Nov, 2022	PN#: 60693263	1:1,000 * when printed 11"x17"	AECOM

Figure 2

Data Sources: Conservation Halton
Service Layer Credits: Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community
Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community
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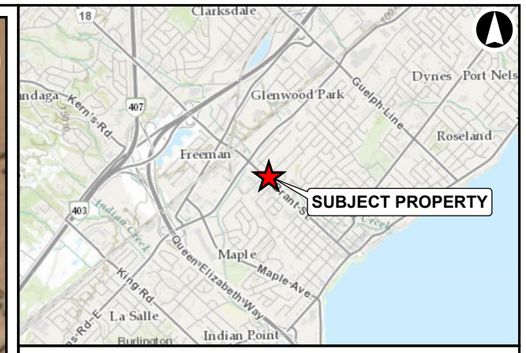

Legend

Subject Property

CULTURAL HERITAGE EVALUATION REPORT
795 BRANT STREET

SUBJECT PROPERTY OVERLAID ON THE 1858 TREMAINE MAP

NOT TO SCALE

Nov, 2022	PN#: 60693263	
Figure 3		AECOM

Service Layer Credits: Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community

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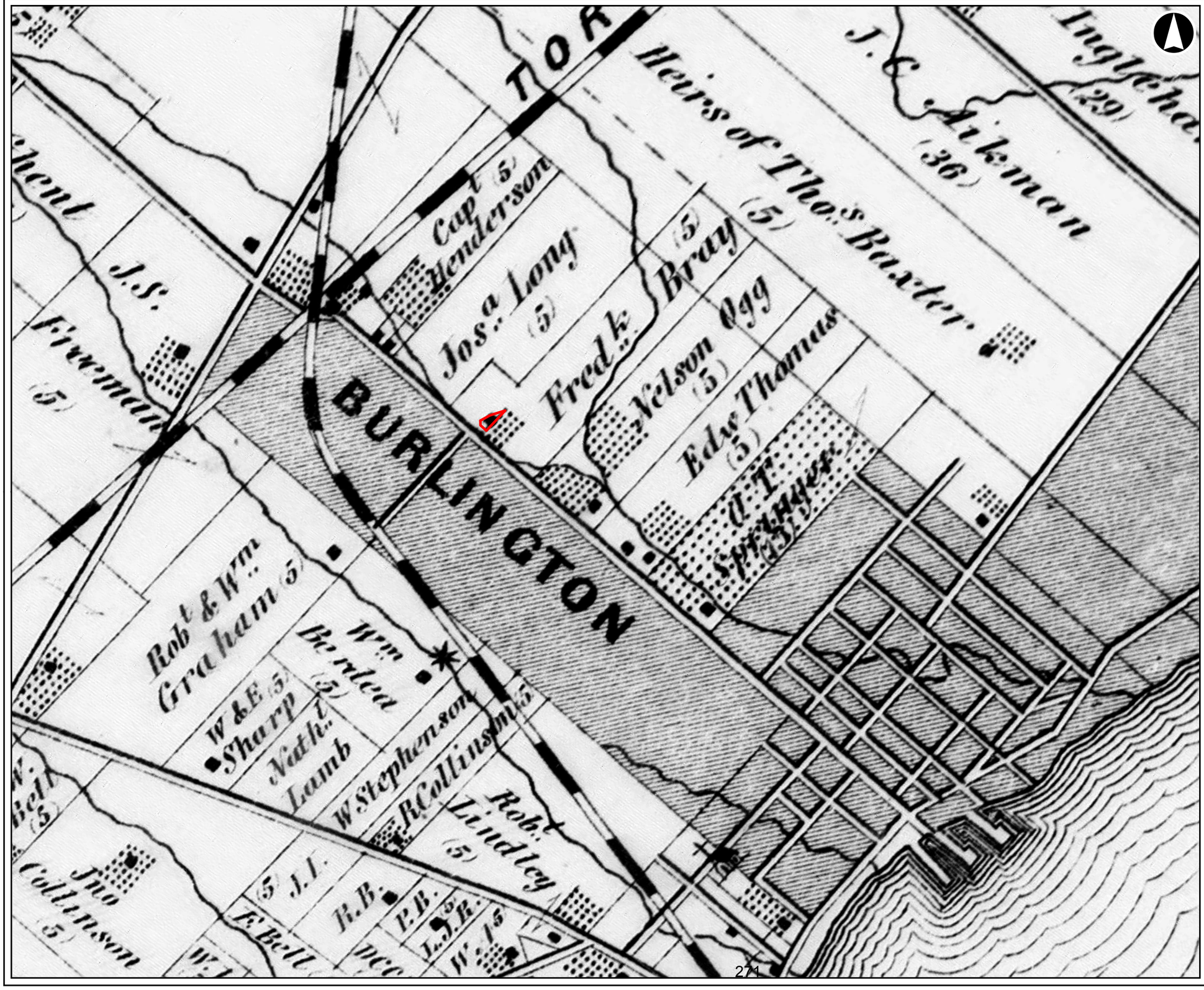

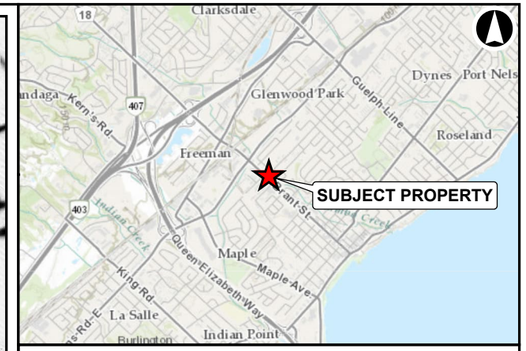

Legend

Subject Property

CULTURAL HERITAGE EVALUATION REPORT
795 BRANT STREET

SUBJECT PROPERTY OVERLAID ON THE 1877 ATLAS

NOT TO SCALE

Nov, 2022	PN#: 60693263	
Figure 4		AECOM

Service Layer Credits: Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community

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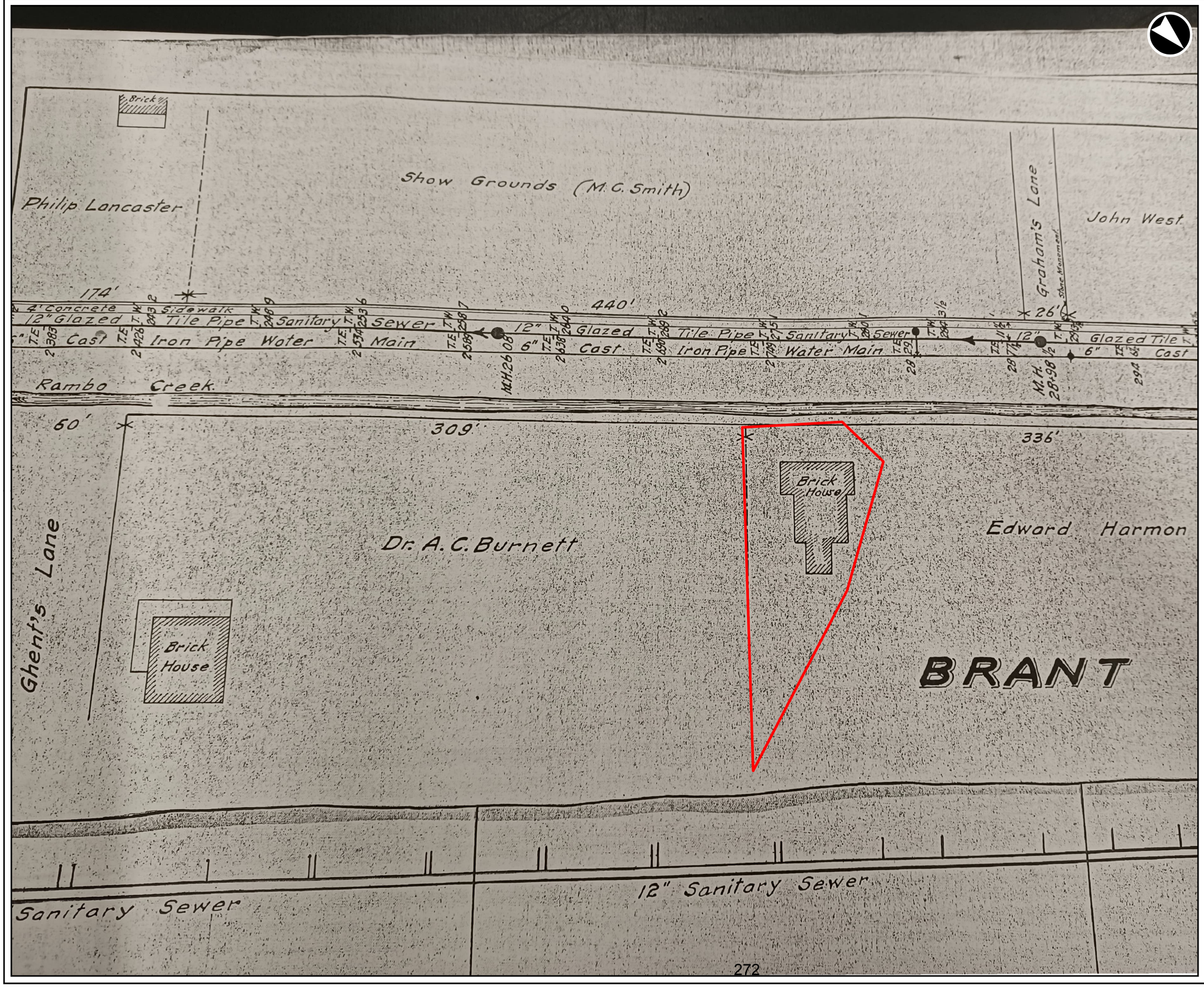

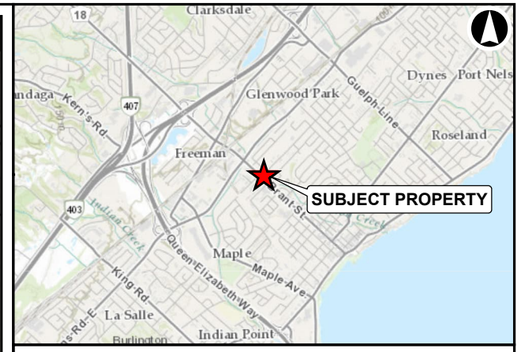

Legend

Subject Property

CULTURAL HERITAGE EVALUATION REPORT
795 BRANT STREET

LOCATION OF THE SUBJECT PROPERTY ON THE 1916 SEWERAGE WORKS PLAN

NOT TO SCALE

Nov, 2022	PN#: 60693263	
Figure 5		AECOM

Service Layer Credits: Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community

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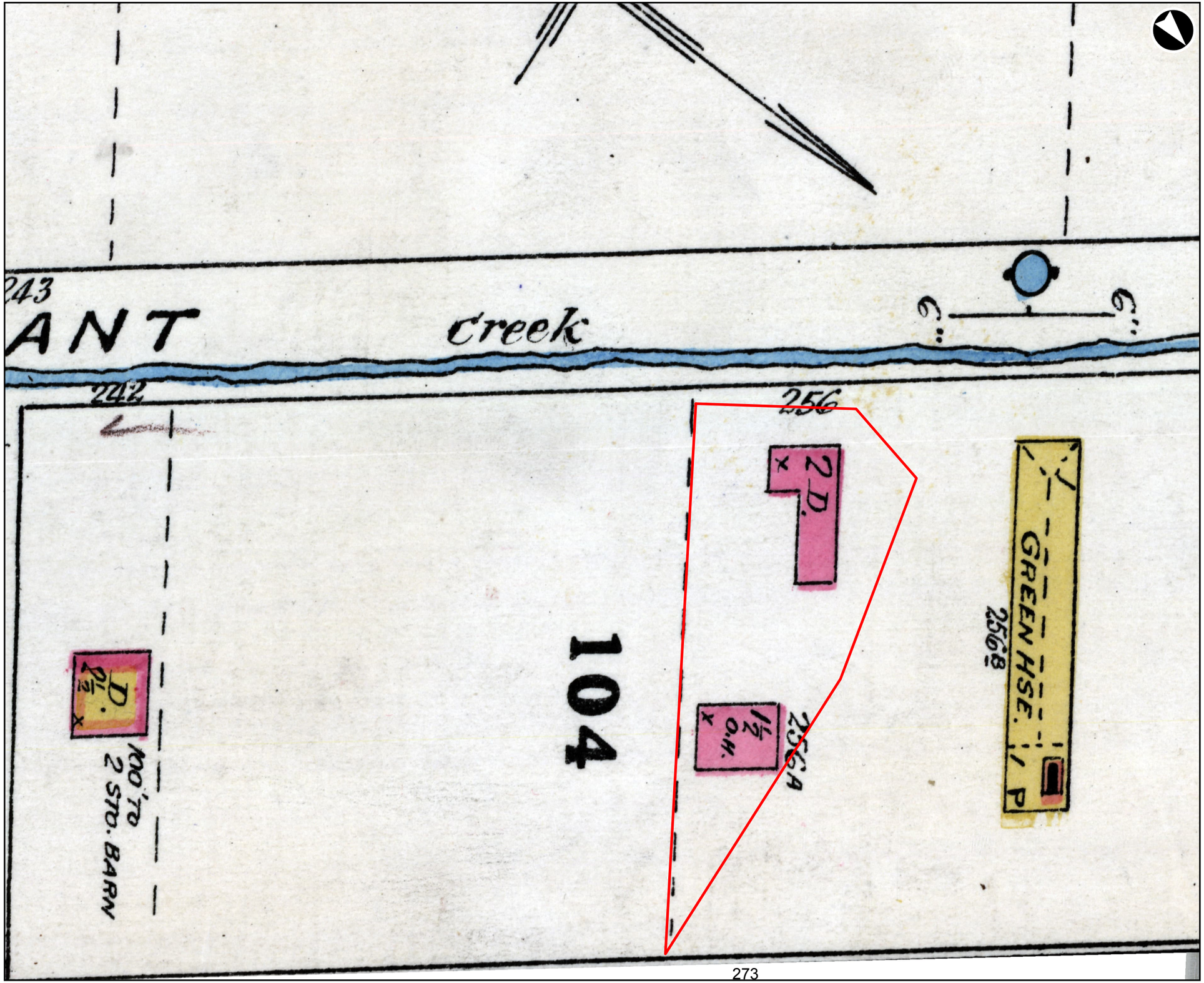

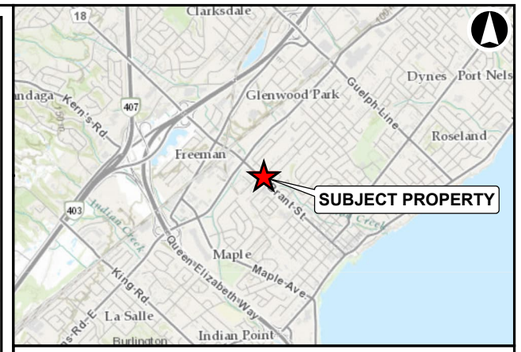

Legend

Subject Property

CULTURAL HERITAGE EVALUATION REPORT
795 BRANT STREET

LOCATION OF THE SUBJECT PROPERTY ON THE 1924 FIRE INSURANCE PLAN

NOT TO SCALE

Nov, 2022	PN#: 60693263	
Figure 6		AECOM

Service Layer Credits: Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community

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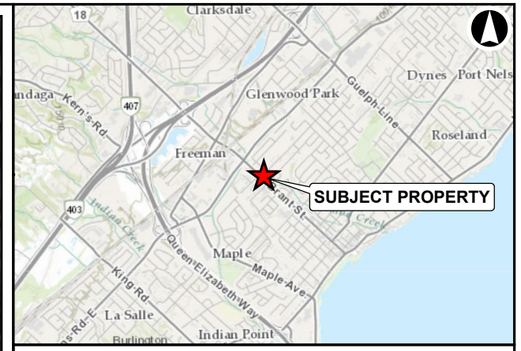

Legend

Subject Property

CULTURAL HERITAGE EVALUATION REPORT
795 BRANT STREET

LOCATION OF THE SUBJECT PROPERTY ON A 1959 AERIAL PHOTOGRAPH

0 50 100 150 200 250

Metres

Datum: NAD 1983 UTM Zone 17N

Nov, 2022	PN#: 60693263	1:4,000 * when printed 11"x17"	AECOM

Figure 7

Service Layer Credits: Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community

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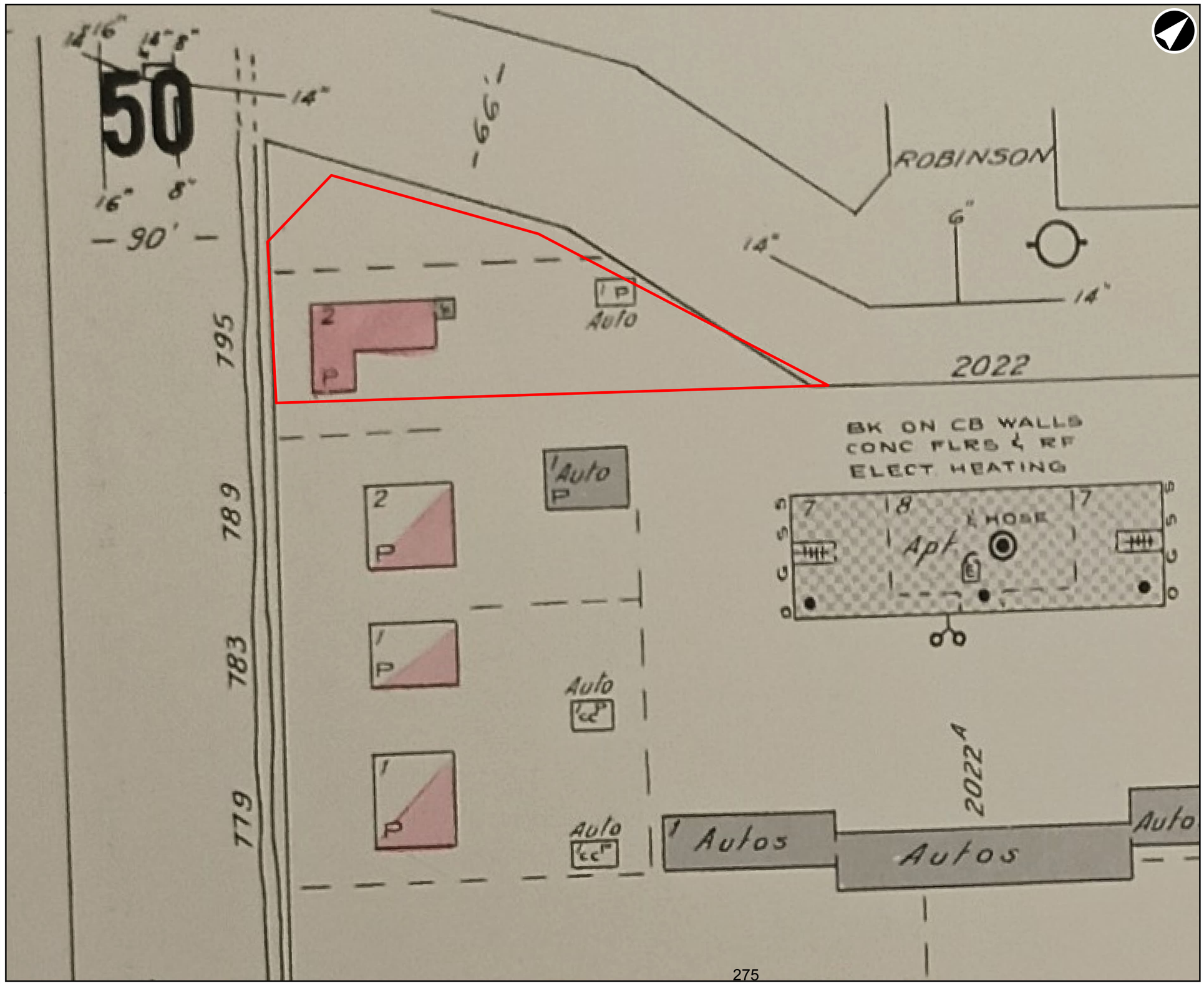

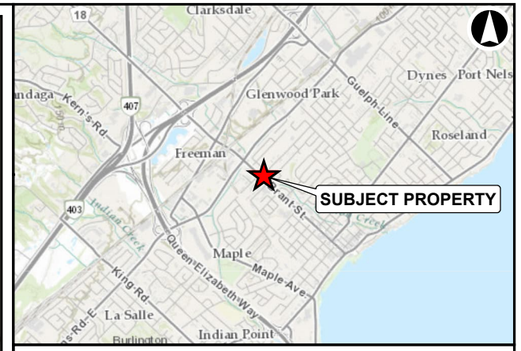

Legend

Subject Property

CULTURAL HERITAGE EVALUATION REPORT
795 BRANT STREET

LOCATION OF THE SUBJECT PROPERTY ON THE 1971 FIRE INSURANCE PLAN

NOT TO SCALE

Nov, 2022	PN#: 60693263	
Figure 8		AECOM

Service Layer Credits: Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community

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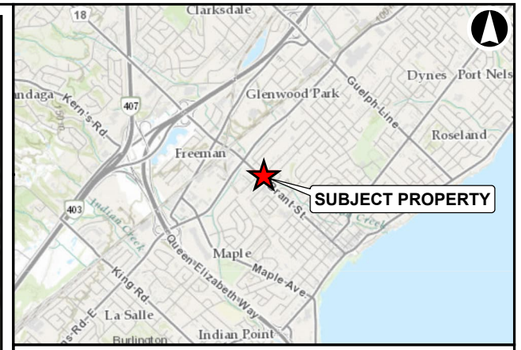

Legend

- Subject Property
- Parcels
- Photographic Location and Direction

CULTURAL HERITAGE EVALUATION REPORT
795 BRANT STREET

EXISTING CONDITIONS WITH SELECT PHOTOGRAPH LOCATIONS

0 10 20 30
Metres

Datum: NAD 1983 UTM Zone 17N

Nov, 2022	PN#: 60693263	1:400 * when printed 11"x17"	AECOM

Figure 9

Data Sources: Conservation Halton
Service Layer Credits: Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community
Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

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Date Saved: 11/21/2022 User Name: paige.chapman

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Property Evaluations

Heritage Evaluation to Add Properties of Interest to the Registry

Heritage Burlington Advisory Committee

2022

795 Brant Street

Ghent House/Farm (Maple Lodge), 1854
West House, 1921 (addition to the house)

Introduction:

Heritage Burlington Advisory Committee (HBAC) received an email correspondence from one of Ghent's descendants noting that the family house will be demolished for a new development and urging the preservation of the family's and Burlington's heritage. A pre-application meeting was scheduled for the property on October 21st, 2021. Heritage Burlington was not invited to comment on the development since the building is currently not on the Municipal Register. Research revealed that this was previously rated as an A building and past city staff had reviewed the building and considered it worthy of designation. As such, HBAC prioritized the evaluation of the property especially as it was removed from the Municipal Register in 2015.

The document presents the evaluation of the property, current status documentation, resources, and the recommendation to put the property back on the Register.

795 Brant street house from Brant, Burlington Historical Society Archive, 2004

Evaluation Inquiries

AS per Ontario Heritage Act, Reg. 09/06

A property may be designated under section 29 of the Act if it meets one or more of the following criteria for determining whether it is of cultural heritage value or interest:

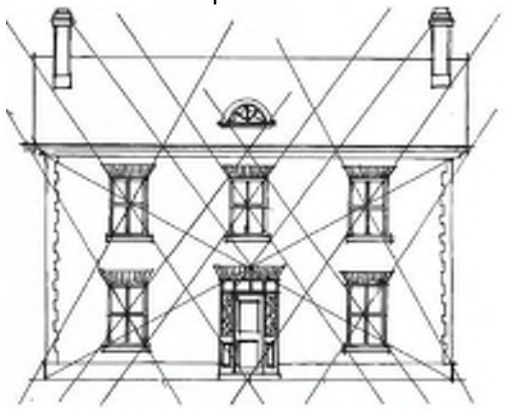
1- Design and Physical Value:

- Does the building demonstrate a unique specific architectural style, type? YES
- Does it reflects a high degree of craftsmanship? YES

The research data was gathered from different resources including, Burlington Historical Society website, HB website, Gazette articles, and HBAC Site visit.

The building is a fine example of farmhouses that were built in the 19C. Attributes include, but are not limited to, two-storey brick building with high pitch gabled roof. The façade facing Brant street has symmetrical three-bay façade. The door in the middle has detailed wood surround. Windows has voussoirs in all elevations. Two brick chimneys at each end. Hand crafted decorative exposed rafters were removed between the google earth image and the image taken by Heritage Burlington in March 2022. Rafters, as well as, the windows shutters were removed but traces of their existence are clear from the differences of paint colour.

The home construction is associated with the famous Bent Brothers. Jabez Bent is also credited for building the Historical Union Burying Ground around 1884.



Geometry governed most heritage design. In this example, the diagonals of the window openings relate to significant elements in the elevation and to each other. The diagonals of the main wall relate to the windows and front-door keystone, as well.

If a building is pleasing to the eye, it is probably rich in such relationships.

Expert from Keeping Place Heritage-based Urban Design Guidelines for Downtown Burlington

795 Brant street house from Brant, HBAC, March 8th 2022

2- Historic and Associated Value:

- Is the building old compared to the context in the neighbour or province? 100 years or more? YES
- Did the property have an association with a significant historic activity, contribution, event? YES
- Did a person significant to the community lived in this house or stayed? YES

The research data was gathered from different resources including, Burlington Historical Society website, HB website, Gazette articles, and HBAC Site visit on March 8, 2022.

Thomas Ghent and his Family were early settlers of Burlington. In 1804, he purchased land from Joseph Brant and became one of the founding families at Wellington Square. For 150 years, the Ghent family farmed continuously in Burlington.

The Maple Lodge Homestead was built by the Bent Brothers (Jabez - a brickmaker, George - a mason, and James - a carpenter) in 1854. This house and its farm were purchased in 1859 by Frederick Bray and sold in 1896 to William Ghent (fifth generation). When he retired from farming in 1909, Ghent divided the farm, including what is now Ghent Avenue, into parcel lots. This house and its lot were bought by Edward Harmon and his sons, market gardeners in 1909. In 1919, the West family bought the property and they built additions to the house in 1921. The photos show the original farm house built-in 1854 and the additions in the early 1900s.

The house was a residence for the Alphonse Brooks family from ca. 1935 to 1975, when it was converted to commercial use.

795 Brant street house from Prospect, HBAC, March 8th 2022

3- Contextual Value:

- Is the building 'location and settings' important in defining, maintaining or supporting the character of an area?
- Is the building in its location considered a landmark? YES
- Does the building support sense of belonging and orientation for the community? YES

The research data was gathered from different resources including, Burlington Historical Society website, HB website, Gazette articles, and HBAC site visit.

The building is a landmark in its location along the intersections of Brant and Prospect Streets. It provides orientation both along Brant Street and within the Prospect Street neighbourhood. An early representation of farm buildings, this recognizable property fosters a sense of belonging within the community.

"….the West/Thomas House is a valuable landmark reminder of the farming origins of this area."

Heritage Burlington Website

795 Brant street house from Brant, HBAC, March 8th 2022

ASPECTS OF THE SOURCES	DIMENSION OF THE CULTURAL HERITAGE			
	Artistic	Historic	Social	Scientific
Form & Design	●	●		
Building Materials & Substance	●	●		
Use & Function	●	●		
Tradition, Techniques, & Workmanship	●	●	●	
Location & Setting		●	●	
Spirit & Feeling	●	●	●	

Evaluation Summary and recommendation:

As seen in the evaluation inquiries sections as per the Ontario Heritage Act reg. 09/06, the house has attributes that relates to Design & Physical, Historical, and Contextual Criteria. Any reply with "YES" to any of the criteria inquiries would consider the building a good candidate for designation. Also as presented in the heritage brief schedule, the property is exhibiting heritage values in the Historic, Architecture, and Social (community) dimensions that relates to different aspects such as design& form, building material, workmanship, location and settings, and its contribution to the community sense of belonging and orientation. Filling any area on the schedule with a dot could qualify the building to have heritage value of interest. As shown the schedule is almost full of positive indicative of heritage values.

On the architectural/design level, the 2-story building brick building is an early fine representation of the farmhouse in Burlington. Some heritage attributes have been removed or changed such as painting the bricks and removing of the decorative handmade rafters and windows shutters, however, all these changes are reversible and does not change the building's heritage value. The building's existing massing, gabled roof, chimneys, window & door proportions, locations, and voussoirs are great representations of the architectural heritage value of the building. Also, the change of use from residential to commercial did not change the value of the heritage building.

On the Historic level, the house was built in 1854 by the Bent Brothers, well-known trades people and is associated with prominent families such as Ghent family, early settlers and farmers, John and Elizabeth West, also farmers, and others. Sensitive additions implemented in early 1900s also contribute to the house's architectural and historical attributes.

On the contextual level, the house is a landmark in its location, and it contributes to the community's sense of belonging and orientation.

In conclusion, HBAC considers 795 Brant street property as a valuable heritage asset and recommends adding it to the Municipal Register as a non-designated property. The building is a prominent heritage component that could be homogeneously integrated within a successful development application.

Reviewed By:	**Heritage Burlington Advisory Committee**
Date:	March 8th, 2022
Recommendation:	Add to Register: YES (🟢) NO ( )
Reason:	Valuable Design & Physical, Historical, and Contextual Values
Heritage elements of interest:	Early representation of Farm house, Architecture Craftsmanship, Associated with Ghent Family & Maison Jobez Bent, and a landmark
HB Meeting Motion to Add to Register:	Date: March 9th , 2022
	Carried: YES (🟢) NO ( )

Documentations:

THE STUDIO

THE STUDIO

THE STUDIO

THE STUDIO

References:

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Reeves, W. (1971), The Burlington Historical Society. *795 Brant Street, "Maple Lodge", 1971.* Retrieved March 5th, 2022 from http://burlingtonhistorycollection.bpl.on.ca:8080/vital/access/manager/Repository/bpl:205552?site_name=GlobalView

To Owner/Occupant
Pre-application Consultation Virtual Meeting

MacNaughton Hermsen Britton Clarkson Planning Limited ("MHBC") and RAW Design are hosting a pre-application community meeting to discuss the proposed redevelopment of the site located at 789-795 Brant Street in Downtown Burlington. A site location map is shown below.

The Virtual Pre-Application Community Meeting will take place:

October 21, 2021
7:00 to 9:00 pm

Participate On-Line via Zoom:
https://us06web.zoom.us/j/84813893643
Or find link at:
www.burlington.ca/789brant

Webinar ID: 848 1389 3643

Participate by Telephone:
+1 647 374 4685

Site Location Map: 789-795 Brant Street

For more information, visit
www.burlington.ca/789brant

The Proposed Redevelopment

The proposed concept for redevelopment of the Subject Lands currently provides for a mixed use development consisting of one residential tower containing 307 residential units, ground floor retail at the base of the tower to the west and 3 ground-level townhome units integrated into the building to the east. The proposed development will have a mix of 1-bedroom plus den, 2-bedroom, and 3-bedroom units. The proposed development includes a podium with a height of 7 storeys facing Brant Street. The townhome built form, with frontage along Prospect Street, will reflect the building height of the neighbouring apartment development to the east.

The Process

The community meeting will provide an opportunity for the project team to present an overview of the current proposal and gather input from the community before submitting any formal development applications. It will also provide an opportunity for the project team to respond to questions regarding the proposal and the process.

The Format

The meeting will be held using a zoom webinar format. Burlington City Staff will provide an overview of the development application review process and explain how the public may participate as the development process advances. The consulting team for the project will provide an overview of the proposal and there will be an opportunity for questions and input of comments.

Additional comments, questions, and feedback can be directed to info@mhbcplan.com

Conceptual Rendering of 789 and 795 Brant Street Proposal, viewed from the northwest. Rendering includes nearby proposed buildings for reference.

795 Brant Street, "Maple Lodge", 1971

795 Brant Street, "Maple Lodge", 2004

795 Brant Street

Title
795 Brant Street, "Maple Lodge", 2004
Creator
Les Armstrong
Subject
Houses
Date
2004
Type
Image
Identifier
bpl:205442
Description
The Burlington Historical Society Plaque is not shown., Built by Jabez Bent in 1854. This house and its farm were purchased in 1859 by Frederick Bray and sold in 1896 to William Ghent. In 1909 Ghent divided the farm, including what is now Ghent Avenue, into parcel lots. This house and its lot were bought by Edward Harmon and his sons, market gardeners. The house was a residence for the Alphonse Brooks family from ca. 1935 to 1975, when it was converted to commercial use., 43.3307,-79.8064
Format
JPEG

Language
EN
Rights
Copyright status unknown. Responsibility for determining the copyright status and any use rests exclusively with the user.
Source
The Burlington Historical Society

How does a community choose between its heritage and the need to intensify and at the same time treat the owners of property with the respect they deserve and ensure that their property rights are protected?

NEWS

By Pepper Parr

May 23, 2015

BURLINGTON, ON

How does a community choose between its heritage and the need to intensify and at the same time treat the owners of property in the downtown core with the respect they deserve and ensure that their rights as property owners are protected?

Burlington has lost a lot of it heritage properties. The city seems to have a problem with wanting to keep buildings that reflect the character of the city as it went through its various development phases.

It was the citizens and two members of city council (both first term members) that saved the Freeman station from becoming kindling for a fire place.

The city has a deep rich history as the "garden of Canada" that many people are unaware of and something that is never celebrated.
That history could be used to create a more acute awareness of the past and use that to build an identity that is more than a magazine's definition of Burlington as the best mid-sized city in Canada.

Burlington city councils' have always had difficulty with fighting to save properties that have heritage value.

View of the old Ghent farmhouse from Brant Street at the corner of Ghent Street.

A wider view of the former Ghent Farmhouse and its neighbours today.

A rear view of the former Ghent farmhouse – numerous additions have changed the look of the building – have those additions made the structure any less significant historically?

There is a property on Brant Street that has very significant historical value that is part of a small land assembly. The property is currently on the municipal registry of historically significant properties and has been given an A rating.

The owner of the property wrote the planning department advising they wished to have their property removed from the registry. Sixty days after such a request the city has to either seek to have the property designated as historical under the Planning Act or issue a demolition permit if one is requested.

The question becomes – is this property significant enough to be designated?

A Staff report put on the May 11th Development and Infrastructure agenda but pulled when the issue it was related to was withdrawn by the owners of property at 795 Brant.

The Planning and Building Department received a written request to remove the property from the Municipal Heritage Register to allow the demolition of the farmhouse. If the city does not take a position within the 60 day period, a demolition permit must be granted.

Council must make a decision as to whether to designate the property pursuant to the Ontario Heritage Act in order to protect it from demolition or to remove the property from the Municipal Register to allow its demolition.

With the request to have the building taken of the municipal register withdrawn the matter is moot – but this issue will be back before Council in the not too distant future.

This request is being made to facilitate redevelopment of the subject property in conjunction with 789 Brant Street.

The Staff Direction set out in the report that was withdrawn makes it clear where the Planning department wants to go – that may not be where city council wants to go – and it is the elected officials who make the final decision.

People acting for the property owner are believed to have lined up the four votes on council they need to vote against the Staff recommendation.

Staff asked that the city "State an intention to designate the house and property at 795 Brant Street, Burlington, pursuant to the Ontario Heritage Act.

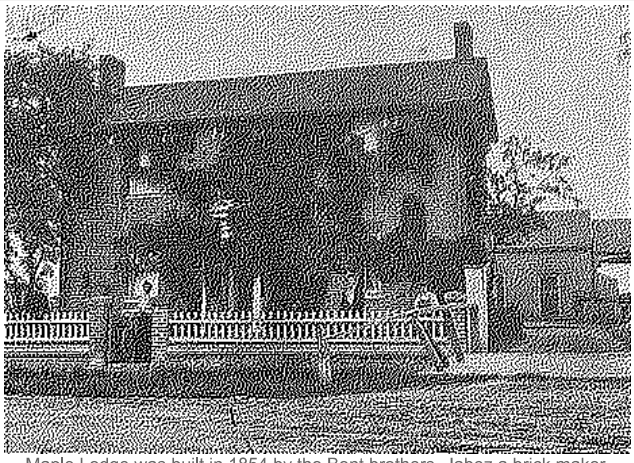
The developer assembling the property and representing the owner is reported to have lined up at least four council votes. Which of these four are onside for the destruction of the house?

"Authorize the City Clerk to present the Designation By-law to Council to designate the property at 795 Brant Street, Burlington, pursuant to Part IV of the Ontario Heritage Act if there are no objections to the statement of intention to designate in accordance with Section the Act and

"Authorize the City Clerk to take necessary action in the event that there are any objections in accordance with the Ontario Heritage Act.

The property has always been seen as historically significant. It was given an "A" grade when it was evaluated by Heritage Burlington in 1995, and later re-evaluated with the same "A" grade in 2003.

Additionally, in 2014, Heritage Burlington retained a consultant to conduct a review of all formerly graded "A" properties on the Municipal Register to determine if they still belong on the Municipal Register. The recent review of the subject property by the consultant provided a grade of 82/100 (based on Heritage Burlington's newly created "Evaluation Criteria"), and it was recommended it remain on the Municipal Heritage Register.

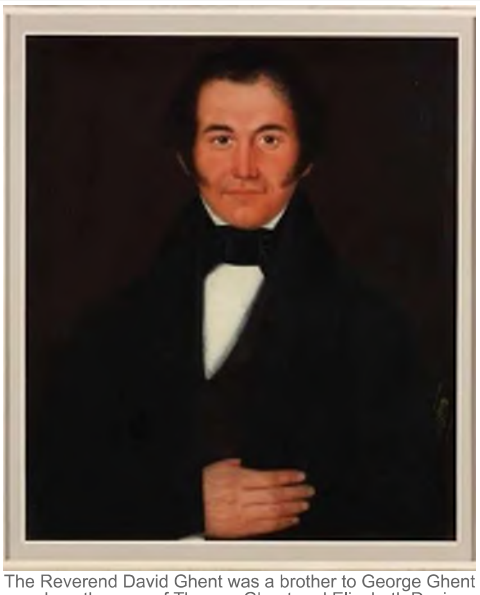


Maple Lodge was built in 1854 by the Bent brothers, Jabez a brick maker, George a mason, and James a carpenter. George Ghent and his family lived for many years at Maple Lodge. The non-designated 161 year old historic home is in jeopardy of potential demolition, due mostly in part to the intensification policy of the Ontario Government. Maple Lodge is located at 795 Brant Street on the south east corner. This is how the home looked in 1902. Today, it is a commercial property.

Currently, the property is within the boundary of "Downtown Growth Area" in the Official Plan; and zoned as "MXG" – "Mixed-Use Corridor Zone".

The Planning department maintains that the "Maple Lodge" or "William Ghent House" or "Bray-Ghent Farmhouse" is a good example of an early vernacular style farmhouse; and is associated with the early farming in Burlington. "The house is significant as it provides the evidence of Burlington's past. In addition, it has other important contextual, historical / associative, and physical/design values."

One of the first families to settle in Brant's Block was the Ghent Family. They had originally come to North America from Wales, settling in Maryland, then moving to North Carolina. As sympathizers with the British during the American Revolution, they were severely persecuted.



The Reverend David Ghent was a brother to George Ghent and another son of Thomas Ghent and Elizabeth Davis. Rev. Ghent was instrumental in aiding William Lyon Mackenzie's escape to the United States. Historically that was a very significant event. If this were the United states the house would have been saved years ago.

Thomas Ghent came to Canada with his wife's family, the Davises, and was one of the early settlers in Saltfree Township. In true pioneering spirit, he purchased land from Joseph Brant in 1804, and became one of the founding families at Wellington Square. For 150 years, members of the Ghent family farmed continuously in Burlington.

The two-storey brick farmhouse was built in 1854 by Jabez Bent, who is also believed to have constructed the wall around the Union Burying Grounds and the Calvary Baptist Church (1446 Ontario Street). Bent sold the house and its farm to Frederick Bray in 1859, and in 1896, the property was bought by William Ghent, who was the fifth generation descendant of Thomas Ghent. In 1909, Ghent divided the farm, including Ghent Avenue, into parcel lots. This house and its lot were bought by Edward Harmon and his sons in 1909. The house was a residence for the Alphonse Brooks family from 1935 to 1975, when it was converted to commercial use.

The Planning department describes the house as the last farmhouse in the area and is a landmark along Brant Street. The house is on its original location; and [illegible]liar structure in the context of the neighbourhood and downtown. The house is now surrounded by mix of land uses, such as, residential, commercial and mixed-use

developments, and various architectural designed buildings.

“The “William Ghent Farmhouse” is a two-storey solid brick structure with end gable roof, and features symetrical three-bay façade and rear additions.

“The multiple rear additions were likely added over the years as the family grew. The rear and side additions feature gable roofs. The central door at the front façade has a detailed wood surround. Other architectural elements of the house include brick chimneys at the two ends of the gable roof of the original house; wide overhanging eaves and paired brackets under the eaves of the original house; and wooden window frames on the ground floor front façade and on both floors of the north-east side façade highlighted by wooden voussoirs.”

“There have been minor changes to the heritage attributes but the original character is retained. Visible changes to the building include painting of the brick façade, asphalt roof shingles, commercial signs, and windows and shutters have been replaced by aluminium framed single-hung one over one windows.

“Additional chimneys and skylights have been added. The rear yard of the property has been entirely paved to accommodate parking spaces and a driveway for commercial use, with the exception of shrub and coniferous trees to the side yards and lawn immediately in front of the house.

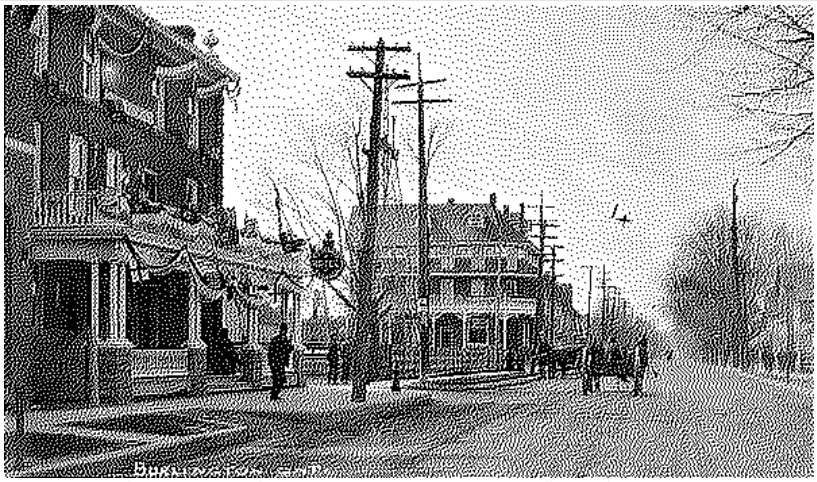
These are not minor changes by any stretch of one’s imagination.

The planners argue that “architecturally, the front façade and north-east side of the “William Ghent Farmhouse” is the most significant.

From a historical or associative perspective, the property satisfies the criteria for designation. Staff is of the opinion that the house is historically tied to its surroundings as the development around it (including Ghent Street) was part of the original farm.

“Staff does acknowledge that the house has been converted from its original purpose as a residence to commercial use. Nevertheless, they are of the the opinion that despite the alterations to the building and site, the property has retained much of its original character and fabric.

“The demolition of this unique style farmhouse would mean a significant loss of the property’s historic and cultural heritage values. Each heritage property that is lost incrementally undermines the city’s ability to understand and celebrate its past through tangible physical resources.



Lower Rant Street with two of the downtown core’s most historically significant structures. Would these two buildings ever be asked to meet with a wrecking ball?

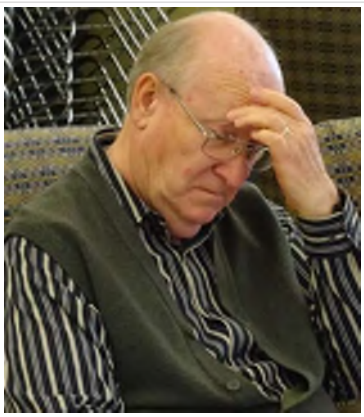
Burlington’s Official Plan contains a number of policies related to the conservation of cultural heritage resources calling for the city to protect, improve and manage its cultural heritage resources in a manner that furthers the heritage objectives of this Plan and sets an example of leadership for the community in the conservation of cultural heritage resources. Cultural heritage conservation planning shall be an integral part of the land use planning process in the City of Burlington.

There are apparently other options. Staff suggests there is a third option which is to enter into discussion with the property owner and recommend that the request for demolition be withdrawn until such time as a comprehensive review of options including the demolition, conservation and incorporation or partial conservation of the house be explored.

City staff recommended that the property not be removed from the Municipal Register to facilitate demolition and that Council state its intention to designate the property. With the withdrawal of the request to be removed the municipal registry those suggested discussions can now take place.

If the property were to be designated it would be eligible to apply to the Community Heritage Fund for eligible restoration project. This would cover up to 25% of eligible project costs to a maximum of $15,000.

Burlington’s Heritage Property Tax Rebate program could also be available to the owners of the property. Currently, the program is only for residential uses in accordance with the recommendation of Heritage Burlington in its 2012 report, A New Approach to Conserving Burlington’s Heritage, a commercial component will be explored for the 2016 tax year.



There apparently isn’t going to be a formal public consultation, however, both Heritage Burlington and staff visited the property and it is on the |Heritage Advisory committee’s agenda.

Should Council eventually accept staff’s recommendation to state its intention to designate 795 Brant Street, the Ontario Heritage Act requires that notice of the intention be given to the City Clerk, and that notice be served on the owner of the property; the Ontario Heritage Trust; and published in a newspaper having general circulation in the City.

What does all this mean to the people who own the property and want to sell it and take their profit and move on?

What does this mean top the developer who is assembling the property and planning a project that will fall well within the Official Plan and the applicable zoning bylaw?

How does a community choose between its heritage and the need to intensify and at the same time treat the owners of property in the downtown core with the respect they deserve and ensure their rights as property owners are pro

Background:

Historical burial ground opened to the public during Open Doors last Saturday.

NEWS

By Pepper Parr

October 4th, 2016

BURLINGTON, ON

I'd heard about it; drove by the place hundreds of times, knew what it was but had never had a chance to actually go into the place.

It was the Union Burial grounds on Plains Road established in 1848 by ten pioneer families who were members of the Methodist Union.

A brick wall, first built around 1882 to enclose the Union Burial grounds, now needs both renovation and repair

The chief architectural feature is the fine brick wall surrounding the 138-by 104-foot burying ground. The wall was built around 1882 by brick mason Jabez Bent. There are also fine wrought iron gates at the front and side. The memorial markers commemorate some of the earliest pioneers in this area.

The site was originally farm land owned by Asahel Davis, a Methodist, a community who wanted burying grounds separate from those established by the Anglican Church at St Luke's and St John's. Religious differences were a big deal in those days.

The families holding plots in the Union cemetery were major contributors to the early growth, prosperity, and well-being of Nelson and the Village of Wellington Square which are parts of what we know as Burlington today.

The Baxter's, the Crosby's, the Cummins's, the Davis's, the Fisher's, the Gage's, the Galloway's, the Ghent's, the Kerns's and the Pearl's – the families whose names identify many of our strrets created their own cemetery.

It is quite run down these days. The families moved on and there aren't that many descendants of its founders around to continue to manage and maintain this historic burial place.

The brick wall is, sadly, in need of restoration. The wrought iron gates and original name plaque also date from 1888. The grave markers are invaluable historic records and also merit preservation. This cemetery feels especially unique given it's setting of urban development.

"The families who created this cemetery came to Canada during the American Revolution. They were British and chose to remain part of the British Empire in North America. The Americans were in the process of creating their own country, there were just 13 colonial states at the time, who didn't want the British imposing taxes on them. Out of the struggle between the Thirteen Colonies and their mother country emerged two nations: the United States and what would later became Canada.

"Those that left the colonies became known as The United Empire Loyalists who wanted to remain faithful to the Crown and wished to continue living in the New World. Therefore, they left their homes to settle eventually in what remained of British North America.

For many years after those people would put the letters UE after their names – United Empire. Many of the markers in the Union Burial ground have those letters on the stones.

"The Loyalists came from every class and walk of life. Some depended on the Crown for their livelihood and status and had considerable wealth and property. Many were farmers and craftsmen. There were clerks and clergymen, lawyers and labourers, solders and slaves, Native Americans, college graduates, and people who could not write their own names. Recent immigrants from Europe also tended to support the Crown.

"They had little in common but their opposition to the revolution. Their reasons for becoming Loyalists were as varied as their backgrounds. Some had strong ties with Britain: others had simply supported what turned out to be the losing side. Local incidents, fear of change, self-interest, political principles, emotional bonds – one or any combination of these influenced their decision to remain loyal to the Crown. The common thread that linked these groups was a distrust of too much democracy which they believed resulted in mob rule and an accompanying breakdown of law and order. The Mather Byles mused, "Which is better – to be ruled by one tyrant three thousand miles away or by three thousand tyrants one mile away?" Loyalists

The Ghent's were prominent farmers in Burlington. Both Thomas and hos wife Elizabeth rest in the Union Burial grounds.

believed that the British connection guaranteed them a more secure and prosperous life than republicanism would.

"Historians estimate that ten to fifteen per cent of the population of the Thirteen Colonies – some 250,000 people opposed the revolution; some passively, others by speaking out, spying, or fighting against the rebels. Approximately 70,000 Loyalists fled the Thirteen Colonies with roughly 50,000 settling in British North America.

"Of less practical value than land and supplies, but of more lasting significance to the Loyalists and their descendants, was the government's recognition of the stand that they had taken. Realizing the importance of some type of consideration, on November 9, 1789, Lord Dorchester, the governor of Quebec, declared "that it was his Wish to put the mark of Honour upon the Families who had adhered to the Unity of the Empire..." As a result of Dorchester's statement, the printed militia rolls carried the notation: U.E., alluding to their great principle The Unity of the Empire.

"Those initials "U.E." are rarely seen today, but the influence of the Loyalists on the evolution of Canada remains. Their ties with Britain and their antipathy to the United States provided the strength needed to keep Canada independent and distinct in North America.

> "In the two centuries since the Loyalists' arrival, the myths and realities of their heritage have intertwined to have a powerful influence on how we, as Canadians, see ourselves. Truly, the arrival of the United Empire Loyalists not only changed the course of Canadian history by prompting the British government to establish the provinces of New Brunswick and Ontario, but it also gave them special characteristics which can be seen today. Perhaps the most striking of these is the motto on the Ontario coat of arms: *Ut incepit Fidelis sic permanet* that is, "Loyal she began, Loyal she remains."

One of the people telling the story of the Union Burial grounds on Saturday was Stephen Davis, a surveyor who works for the Region; his descendants are buried on the grounds.

"We restored the rear wall and we will re-build the west wall. Trees planted too close to the wall grew and pushed over the brick work. It is a lot of work and we don't have that much time – we are busy raising our family's and some of the families buried here have moved on" said Davis.

Davis is working on some ideas on how young people can develop an interest in their ancestry and take part in the rehabilitation of a significant part of Burlington's history.

Related articleL:

Does the Ghent house on Brant Street at Ghent matter historically?

Large portion of this report came from a document written by Ann Mackenzie M.A.

Return to the Front page
Print Friendly

Tweet

The smaller markers recognize members of the family – several for children that died at a very young age.

October 4th, 2016 | Category: Culture/Fun/The Arts, Education, Headlines, News, Private Sector

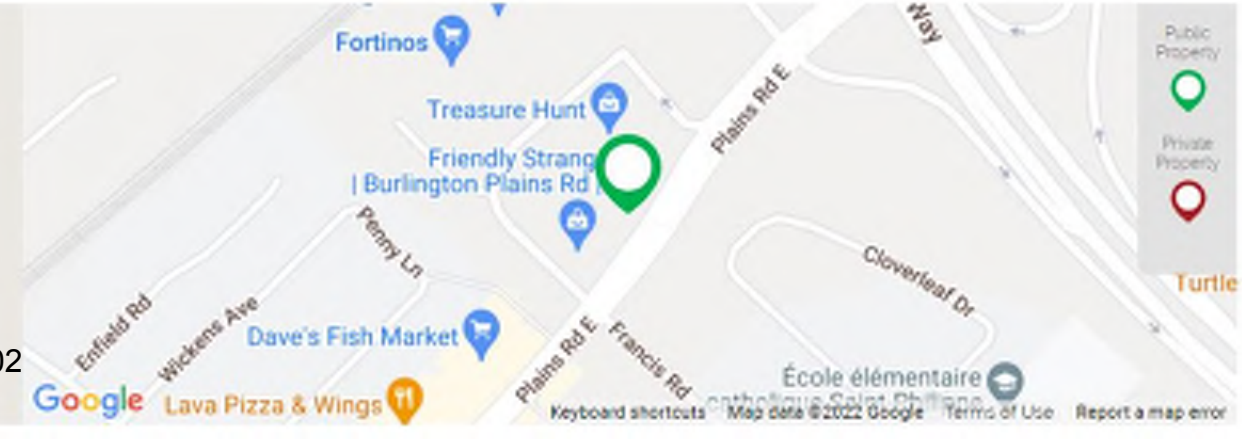
Comments are closed.

The Union Burying Grounds

Established in 1848 on a portion of the Asahel Davis farm, the Union Burying Grounds was founded by ten pioneer families who were members of the Methodist Union. The families holding plots here were major contributors to the early growth, prosperity, and well-being of Nelson and the Village of Wellington Square: Baxter, Crosby, Cummins, Davis, Fisher, Gage, Galloway, Ghent, Kerns, and Pearl. Almost 150 years later, the descendants of its founders continue to manage and maintain this historic burial place. The fine brick wall was built in 1888 by Jabez Bent, who had been building brick houses in this area from 1850. The wrought iron gates and name plaque also date from 1888. The grave markers are invaluable historic records and merit expert conservation and preservation.

The Union Burying Grounds

1001 Plains Rd. E
Burlington On L7T 4K1



Heritage
• BURLINGTON •

The West House

Plan 125 is the Ghent Survey, registered in 1909. In 1909 William Ghent sold Lot 3 & other land (the Ghent Farm) to Edward Harman.

The 1917 and 1918 Telephone Directories list Ed Harman, Fruit (grower), on Brant Street; he lived in the Bray – Ghent House, "Maple Lodge", now at 795 Brant Street.

The 1919 Voters List includes E. J. Harmon [sic], E. Harmon, and John Harmon, all Gardeners, at part lot 85, Brant Street.

In 1919 Harmon sold this property to John West & his wife. Mrs J. West, as listed in the 1919 Voters List at part lot 84, Brant Street. By 1922, Ed Harmon is listed in the Telephone Directory as living on New Street, and Ned Harmon on Burlington Avenue.

John West took mortgages in 1921 & 1922, probably to build this house. In 1927 it was bought by Walter Scott Powers & wife; in 1932 by Earl Carter Thomas; in 1955 part of the lot was bought by Fred Whiskin.

William Ghent registered his development survey plan in 1909, when he sold the Ghent Farm including its historic 'Maple Lodge" homestead, built in 1854 (now 795 Brant Street), to the Edward Harmon family. The Harmons continued their hit growing business through 1914/15, when this rural land was annexed by the Town of Burlington, until 1919, when they sold this Lot 3 to John and Elizabeth West, who were also farmers on Brant Street. The West's built this house in 1921. In 1932 the property was sold to Ear1 Carter

Thomas, a nursery grower. It remained in the Thomas family's ownership for more than sixty years, when it was bought by a developer who subdivided the property, preserved this heritage house, and sold it to the present owners.

This large one-and-a-half-storey bungalow is a very fine example of the Craftsman Style. The high-pitch end-gabled roof is broken by a large gabled dormer. The decorative exposed rafter were individually cut by hand. The side gables, the front dormer gable, and a band under the eaves of the front elevation are all clad with wooden shingles. A tall brick chimney rises from the fireplace. There are many original interior Craftsman Style features. The lower level is clad with stretcher-bond brick. The windows on the front elevation are in groups of five or for, the east elevation includes an oriel window.

In the contemporary residential streetscape of Ghent Avenue, the West/Thomas House is a valuable landmark reminder of the farming origins of this area. The house is set on a deep lot with many vestiges of its former nursery garden use: many varieties of Euonymus wild roses and other perennials, continue to thrive on the fertile ground.

The West House

2059 Ghent Ave
Burlington On L7R 1Y4

Heritage
BURLINGTON

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ATA ARCHITECTS INC.

795 BRANT STREET BURLINGTON, ON

HERITAGE IMPACT ASSESSMENT

SEPTEMBER 2022

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BIBLIOGRAPHY

SUPPORTING DOCUMENTS

JASON TRUELOVE CV

RYAN LEE CV

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Associate Architect

EXECUTIVE SUMMARY

ATA Architects Inc. (ATA) has been retained by the owner to complete a Heritage Impact Statement (HIS) for the property at 795 Brant Street, Burlington, Ontario and the proposed redevelopment. The subject properties are to be redeveloped, which includes the demolition of the existing building and the new construction of a 31-storey tower with 354 residential units, a mechanical penthouse, a 7-storey podium, 485 m2 of ground-floor retail and a total of 279 vehicle parking spaces. The existing building on 795 Brant Street has heritage value and has been evaluated for potential impacts due to the proposed development.

The subject property is listed (non-designated) on the Municipal Heritage Register of Cultural Heritage Resources with the City of Burlington. The subject property is not part of a cultural heritage landscape and is located outside of the proposed Main Street South Heritage Conservation District.

The purpose of the HIS was:

- To determine whether the buildings should be designated
- To determine the impact of the proposed development
- And provide mitigating measures.

ATA's findings conclude that the building demonstrates some historical, architectural, and contextual value. However, due to the substantial, cumulative changes and the loss of heritage attributes, significant harm has been caused to the heritage integrity of the structure. The remaining heritage attributes alone do not warrant designation, which is based on the evaluation under the prescribed Ontario Regulation 9/06 completed in Heritage Impact Statement.

The Owner has provided ATA with the initial design for 795 Brant Street. The design and this HIS are part of the initial submission to the City of Burlington. Revisions to the design are ongoing, and this HIS will be revised to address the changes.

ATA Architects Inc. also reviewed the design prepared by RAW Architects and an analysis of potential impacts was undertaken, which found that there is a negative impact on the cultural heritage resource related to the demolition of the building. ATA proposed that the design should retain only the original 1854 house facing Brant Street. However, this is based on whether the brick can be conserved.

Of concern is the condition of the brick exterior and structural walls. Much of the exterior brick has been painted, preventing a clear visual inspection of the existing conditions. In addition, if the wrong type of paint were used, it would affect the permeability of the brick, potentially trapping moisture within the brick and causing potential damage during a freeze-thaw cycle. Interior brick structural walls could not be fully inspected at this time. Still, some visible areas have significant changes made to these walls as part of previous work, mainly related to M&E improvements.

The brick's condition and stability will impact the possibility of relocating the building or its worth of salvage.

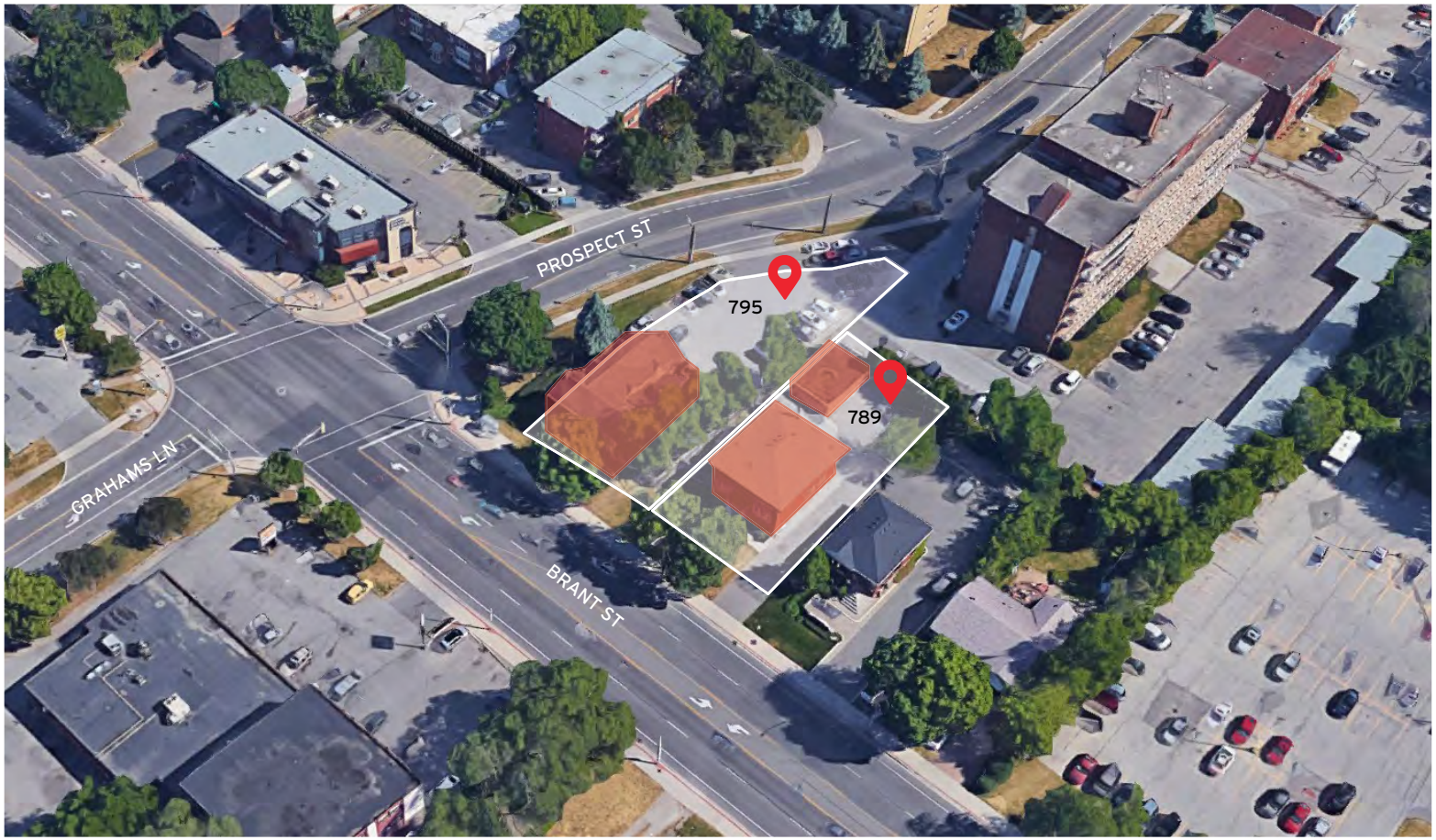
Should the building be retained, ATA has provided some recommended mitigation measures to ensure that the heritage attributes of the subject site will be conserved, which include:

- A structural condition assessment
- A salvage report
- A conservation plan
- A temporary protection plan
- The design of the proposed development should be sympathetic
- Use of sympathetic materials and details
- Commemoration of the building

Should the building be removed, ATA also has provided some recommended mitigation measures, which include:

- A Cultural Heritage Documentation Report
- Document and detail building as historical
- Commemoration of the building

Due to the substantial, cumulative changes and the loss of heritage attributes, significant harm has been caused to the heritage integrity of the structure. Even though the proposed development has a negative impact from the removal of the building, it is concluded that the subject site is developed as proposed only if further investigations find that the brick cannot be conserved. The recommended mitigation measures for the final scenarios are to be implemented through the site plan control process following approval of the principle of development of the subject site.



Aerial view of proposed development site of 789 - 795 Brant Street, Burlington, Ontario
Source: Google Maps (2022)

ATA Architects Inc. ("ATA") was retained by the property owner, Camarro Development Ltd. C/O Kyle Camarro, to undertake a Heritage Impact Statement ("HIS") of 795 Brant Street, located within the Municipality of Burlington, Ontario. It is hereinafter referred to as the "subject property."

This HIS is related to a proposal for the subject property for 795 Brant Street, which includes 789 Brant Street in the proposed redevelopment of the two sites. Camarro Development Ltd proposes demolishing the existing building on the site and the new construction of a 31-storey mix-use condominium and townhouse building, with six levels of underground parking, 491 m2 of commercial space, and 354 residential units.

789 Brant Street is not listed or designated on the Municipal Heritage Register of Cultural Heritage Resources. This HIS will not include any additional information on this property.

795 Brant Street is listed (non-designated) on the Municipal Heritage Register of Cultural Heritage Resources. The subject property was removed from the listed Municipal Register in 2015, when the owner submitted a notice of intention to Demolish at the time. In 2022, the Heritage Burlington Advisory Committee reviewed and recommended listing the subject property. During a Council Meeting, the building was approved to be listed on the Municipal Heritage Register of Cultural Heritage Resources. The subject property is not part of a Heritage Conservation District or Cultural Heritage Landscape.

As the property is listed on the City's Register, a HIS is required in accordance with the City's Official Plan.

Burlington Official Plan 2020 (Interim Working Version as of February 2021) identifies that the City will require a HIS when an alternation, construction, or development involves or is adjacent to a designated or listed heritage resource. The City has established the Heritage Impact Statement guidelines outlined within Chapter 3.5, Cultural Heritage Resources, Sub-section 3.5.2 (5) of the City of Burlington's Official Plan. These guidelines

are supported and supplemented by guidelines for Heritage Impact Assessments (HIA), which are based on the 'Ontario Heritage Toolkit,' the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI), and Canada's Historic Places Standards and Guidelines for the Conservation of Historic Places in Canada (2010).

ATA has prepared this HIS report in order to:

- Assess the Cultural Heritage Resource,
- Determine whether the buildings should be designated, demolished, relocated or salvaged
- Describe the proposal provided by RAW Architects for Camarro Development,
- Determine the impact of the proposed development on known and potential heritage resources
- Identify several conservation options (when applicable)
- Provide recommendations for future action necessary to prevent, change, mitigate or remedy any expected impacts upon the cultural heritage resources.

ATA undertook the following process in completing this report:

- ATA Architects visited the site on August 16, 2022, and August 21, 2022, and viewed in detail the existing building on the property.
- The existing context was documented, and an assessment was undertaken to evaluate the heritage value of the buildings and the proposed impact of the development.
- ATA Architects also documented the surrounding site and adjacent properties and their connection to the neighbourhood.

Preparing the HIS included archival research including historical maps, aerial photography, historical photographs, land registry data, research articles, etc, policy review, and an assessment of the buildings, to help create a timeline of the history of the building.

The work was completed in August 2022. ATA:

- Reviewed the historical, architectural and contextual background of the properties
- Reviewed the current zoning regulations
- Provided an evaluation, utilizing accepted heritage standards as noted.

The subject properties were evaluated through Ontario Regulation 9/06 Criteria for Determining Cultural Heritage Value or Interest and were based on our professional expertise.

SITE & CONTEXT
DESCRIPTION OF THE SUBJECT PROPERTY

Closer view of the Subject Site (795 and 789 Brant Street)
Source: Google Maps (2022)

The subject property's municipal address is at the following:

- 795 Brant Street

The subject property is located within the City of Burlington (formerly the Nelson Township) in the Regional Municipality of Halton. The subject property is part of Lot 1 Registered Plan 125 and Part of Lot 85 Registered Plan 99. It is located within the Downtown Urban Centre Boundary and is part of Ward 2.

The subject property at 795 Brant Street is occupied by a two-storey brick building, with a large parking lot at the rear of the property. The total site is approximately 1341.64 m2. The building faces Brant Street and access to a parking lot is along Prospect Street. The overall site topography is flat, with large mature trees on the north side of the building, and a small grass lawn, bushes and shrubs along the west side of the building. The site consists of over 50% hard surfaces that make up the parking lot.

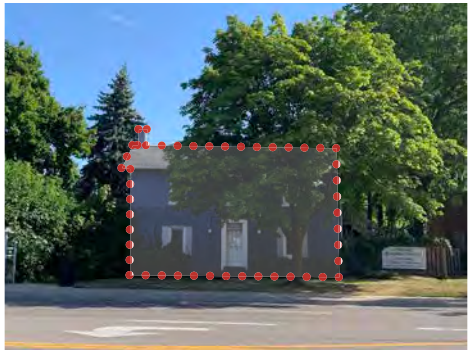
The building is currently vacant. It was a previously rented commercial space that was converted from a residential building.

The proposed development site includes both 795 Brant Street and 789 Brant Street.

The proposed development site is approximately 2,387.4 m2 in total area with 43.37 m of frontage along Brant Street. The development site is located in the downtown Burlington Neighbourhood, of Brant Street and Prospect Street, South of Fairview Street and north of Ghent Street.

The subject property at 789 Brant Street is occupied by a two-storey brick building and a one-storey concrete garage building located at the rear of the property. The total site is approximately 892.39 m2. The rear of the building is paved for parking. The building faces Brant Street with a paved driveway for access to the parking along Brant Street on the south side of the building.

SITE & CONTEXT
DESCRIPTION OF THE SUBJECT PROPERTY



795 Brant Street, Burlington, Ontario
Source: ATA Architects Inc. (2022)

789 Brant Street, Burlington, Ontario
Source: ATA Architects Inc. (2022)

The overall site is flat, with two large mature trees at the front of the building along Brant Street with a grass lawn with bushes and shrubs. The site has over 50% hard surface that makes up the parking lot. A wood fence divides the property and the rear property.

The building is currently vacant. It was a previously rented commercial space that was converted from a residential building.

Municipal Address:
795 Brant Street
Burlington, Ontario
L7R 2J3

Legal Description:
PART OF LOT 85 REGISTERED PLAN 99 PIN 07076-0017 INSTRUMENT 835346

Municipal Address:
789 Brant Street
Burlington, Ontario
L7R 2J3

Legal Description:
PART OF LOT 1 REGISTERED PLAN 125 PIN 07076-0272

SUBJECT PROPERTY
& SURROUNDING CONTEXT
ZONING

795 Brant Street
Zoning:

Zoning Code: MXG
Zoning Designation: Mix-use Corridor (General)
Exception to Zoning Designation: None

Burlington Zoning By-Law Map of 795 Brant Street and 789 Brant Street (property limits outlined in red), located in Zone MXG
Source: City of Burlington Planning Viewer (2022)

City of Burlington Zoning By-law 2020 designates the zoning for the property as MXG (Mix-use Corridor General). There is no exception to the zoning designation that applies to the site. The zoning by-law governs regulations and restrictions on land use, minimum lot and yard size, and building massing. The following regulations, which are outlined in Part 5 of the City of Burlington Zoning By-Law apply to MXG Zones:

Part 5 – Mix-use Corridor Zones – MXG

The subject properties are zoned MXG to this by-law:

2. Permitted Uses

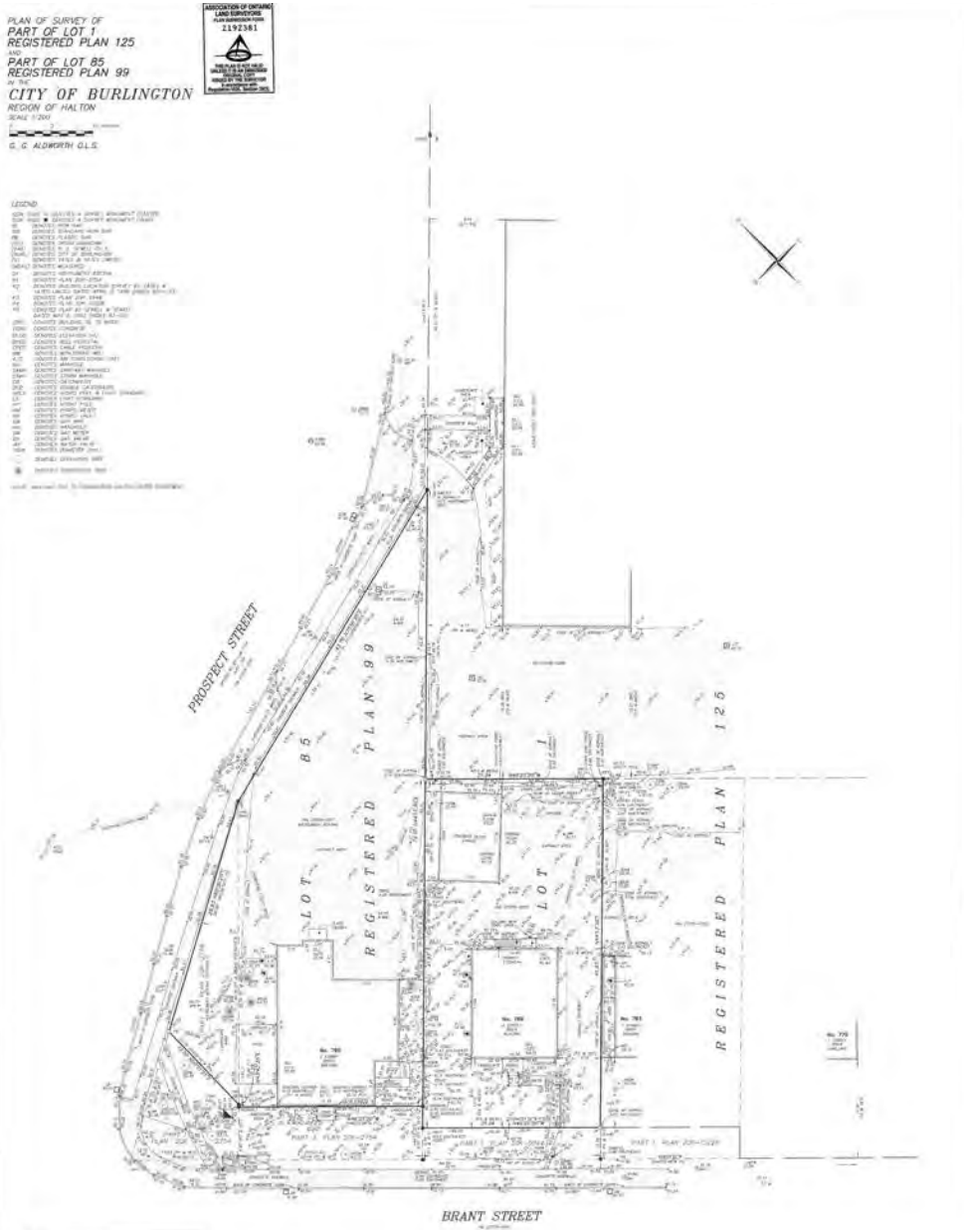
The uses permitted in a Mixed-Use Corridor Zone shall be in accordance with Table 5.2.1.

Table 5.2.1

Uses:	**Zones:**
	MXG
Convenience/Specialty Foods Store	X (a)
Other Retail Stores	X (a)
Service Commercial	
Standard Restaurant	X
Standard Restaurant with Dance Floor	X(r)
Fast Food Restaurant	X
Convenience Restaurant	X
Dry Cleaning Depot, Laundromat, Laundry Service	X(a)
Veterinary Services	X(d)
Elevated Parking Facility	X (i)
Other Service Commercial Uses	X (a)

SUBJECT PROPERTY & SURROUNDING CONTEXT

ZONING



Survey drawing for 789 and 795 Brant Street
Source: Completed by A.J. Clarke and Associates Ltd. Provided by Owner.

Office	
All Office Uses	X
Community	
Community Institution	X
Automotive	
Car Wash per Part 1, 2.9	X (b,c)
Motor Vehicle Service Station per Part 1, 2.10	X (c)
Motor Vehicle Sales, Leasing, Rental, and Service	X (e,f)
Entertainment and Recreation	
Recreational Establishment	X
Entertainment Establishment	X
Night Club	X
Residential	
Apartment Building	X
Retirement Home	X
Dwelling Units in a commercial/office building	X
Stacked Townhouse (see Subsection 5)	X (n)
Back-to-Back Townhouse (see Subsection 5)	X (o)
Townhouse (see Subsection 5)	X (p)

Footnotes to Table 5.2.1

(a) Retail or service commercial uses permitted on the ground floor only

(b) Not permitted on a lot abutting a residential zone

(c) Not permitted on a lot containing residential dwelling units

(d) Facilities for the keeping of animals outside are not permitted.

(e) Not permitted on a lot exceeding 0.2 hectares or on a lot containing residential dwelling units

(f) Service bay doors shall be restricted to a maximum of two and are not permitted in a building elevation facing a residential zone.

(g) Not permitted on lots exceeding 0.2 hectares which abut a residential zone

(h) Maximum capacity shall not exceed 500 persons.

(i) Excluding a driveway entrance, the ground floor area of all parking structures within 15 metres of a public street shall be used for retail, service commercial, entertainment, or recreation uses.

(j) For industrial uses permitted in the MXE zone, the provisions of Part 3, Subsection 6.8 apply.

(k) Permitted only as an accessory use to a permitted use but not permitted as a principal use or commercial parking lot. Footnote (m) paragraph 1 does not apply.

(l) The following are the only other retail commercial uses permitted in an MXE zone: Office Furniture & Equipment, Computer Hardware & Software, Machinery & Equipment, Home Improvement Products.

(m) Additional regulations for the MXT zone:

All retail commercial, service commercial, hospitality, entertainment, and recreational uses in an MXT zone are subject to a maximum floor area per use of 500 m2.

Notwithstanding the uses permitted in Table 5.2.1, any use in an MXT zone that existed legally at the time of the passing of Zoning By-law 2020.213 (October 10, 2006) is deemed to conform to this By-law with respect to permitted uses.

(n) Buildings containing stacked townhouse units are not permitted within 25 metres of a public street having a deemed width of 26 m or greater.

(o) Buildings containing back-to-back townhouses are not permitted within 25 metres of a public street having a deemed width of 26 m or greater.

(p) Buildings containing townhouse units are not permitted within 55 metres of a public street having a deemed width of 26 m or greater.

(q) In buildings containing residential dwelling units, a Standard Restaurant, with Dance Floor is only permitted at grade where office uses or uses accessory to residential are located on the second storey

4. MXG Zone Regulations
4.1 Lot Width, Area, And Yards

Table 5.4.1

Regulation	Requirement
Lot width	25 m
Lot Area	1000 m2
Yard abutting Plains Road west of the Queen Elizabeth Way	3 m minimum; 23 m maximum
Yard abutting any other street	3 m minimum; 4.5 m maximum (a)
Rear Yard	3 m
Side Yard	no minimum
Yard abutting a residential zone	Floors 1 to 3: 12 m Floors 4 and 5: 15 m Floor 6: 18 m
Building setback from a creek block	7.5 m
Yard abutting a Pipeline Easement	7 m
Yard abutting a railway right-of-way	none required
Separation Distance from a railway right-of-way	30 m for land uses sensitive to Railway rights-of-way
Yard abutting a PC or P zone	6 m

Footnote to Table 5.4.1:

Maximum yard shall apply only to buildings located within 60 metres of a public street.

4.2 Separation Distance

Standard Restaurant: 15 m between the use and a residential zone

Fast Food Restaurant: 30 m between the use and a residential zone

Night Club: 45 m between the use and a residential zone

4.3 Floor Area, Floor Area Ratio and Density 4

Table 5.4.2

Requirement	Zone
	MXG
Maximum Floor Area Ratio for:	
Entertainment or Recreation buildings:	0.5:1
Industrial buildings:	* * *
Other buildings:	1.5:1
Maximum Floor Area per Retail or Service Commercial Use:	1800 m2
Minimum Floor Area Ratio for Buildings other than Entertainment, Recreational, or Industrial Buildings:	0.3:1
Minimum Density in a Residential Building	30 units/ha

Burlington Official Plan 2020

Burlington Official Plan 2020 focused on evolving and transitioning from a suburban to an urban community. The City's growth is shifting and wants to create complete and sustainable communities.

The subject property is located at the north edge of Burlington Downtown Core. It is located within the Upper Brant Precinct, where the official plan states the following:

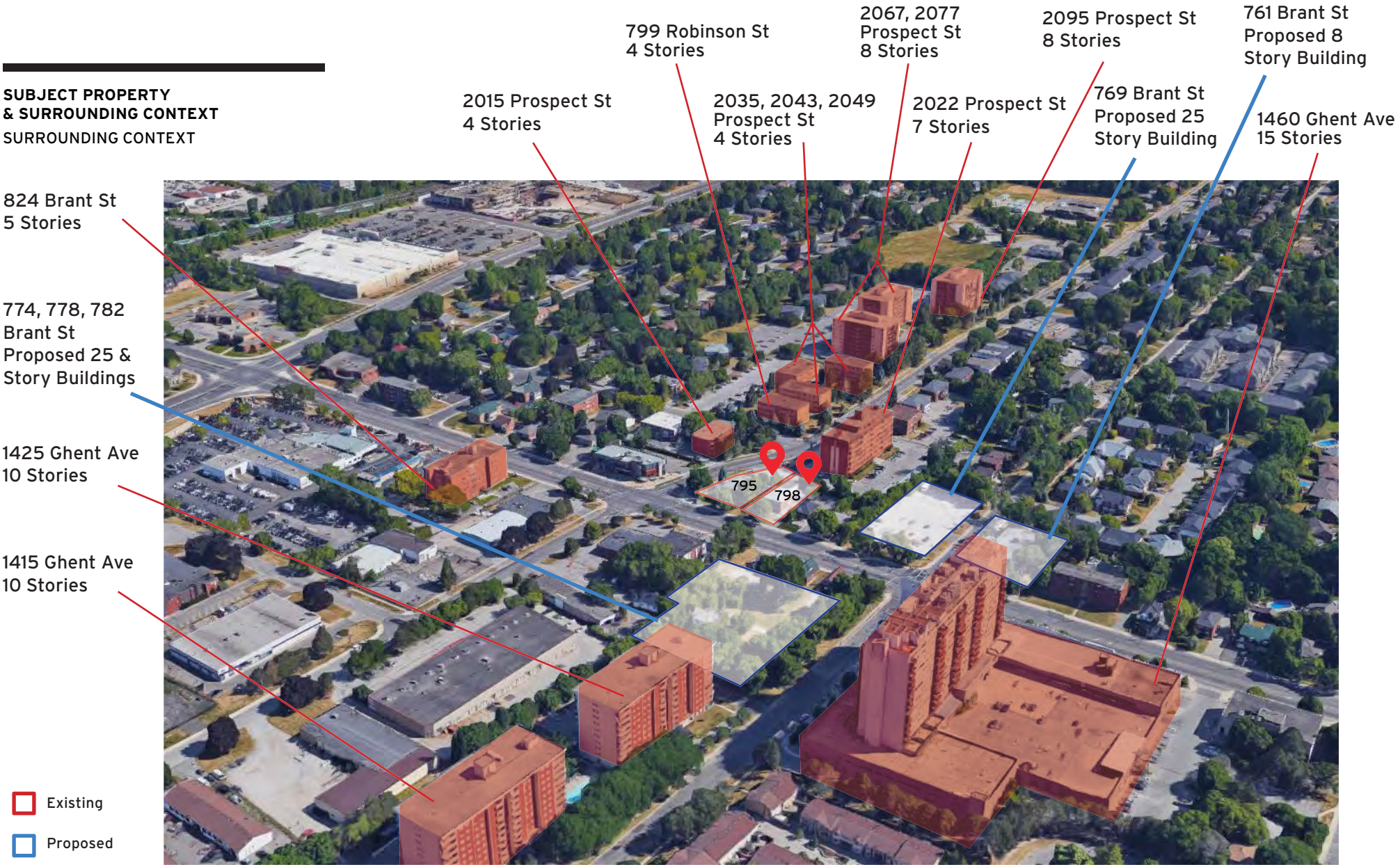
8.1.1(3.8) UPPER BRANT PRECINCT

The Upper Brant Precinct will accommodate developments with a variety of building heights proportional to parcel depth along Brant Street between Prospect Street and Blairholm Avenue, with the tallest developments in the Downtown located along and north of Ghent Avenue. Development will generally achieve a height and density that reflects the precinct's walking distance to higher-order transit at the Burlington GO Station and contributes to the creation of a transit, pedestrian and cycling oriented area while also achieving compatibility with adjacent Residential-low density areas shown on Schedule C: Land Use – Urban Area, of this Plan. A low-rise feel will be maintained for pedestrians along Brant Street through setbacks above the third storey for buildings abutting Brant Street. However, to balance the objectives of providing increased density within walking distance to the Burlington GO Station, providing for a transition to adjacent established lowrise residential areas and to provide for a setback along Brant Street above the third storey, flexibility may be considered in the depth of the setback from Brant Street above the third storey.

Based on Schedule D-2 Maximum Building Heights for the subject property is to be maximum 25 storey.

SUBJECT PROPERTY & SURROUNDING CONTEXT

SURROUNDING CONTEXT



Surrounding Context of 795 Brant Street Diagram
Source: ATA Architects Inc. (2022)

SUBJECT PROPERTY
& SURROUNDING CONTEXT

SURROUNDING CONTEXT

On the subject property, is a 2-storey detached commercial building, with a rear parking lot. The building was a former residential building which was converted and rented as commercial spaces.

The building is located within Burlington Downtown City Centre and is facing Brant Street which is surrounded by low to mid-rise residential buildings, low to mid-rise commercial buildings, single-storey buildings and open brownfields. The streetscape of Brant Street and Prospect Street over time has evolved and changed from single-storey residential buildings to more dense low to mid-rise residential buildings and increased its role as a retail, and commercial main street in Burlington Downtown.

The area is transitioning from a suburban neighbourhood to an urban one. Single-storey residential buildings along Brant Street have been converted to retail and commercial spaces. A group of three single-storey buildings at Ghent Avenue and Brant street have been demolished and are currently a brownfield. Commercial strip plazas line Brant Street with a new development proposal surrounding the subject site. While the property has remained in a transition area, much of the suburban character that used to surround the subject site has been converted for mid-rise residential and commercial buildings.

Surrounding the subject property are residential, commercial and institutional buildings and spaces. The immediate surrounding context is described in detail below:

North of the subject properties is Prospect Street, with low-rise commercial buildings to mid-rise residential buildings. Directly North on Prospect is a two-storey medical centre and a four-storey residential building. Further north of Prospect street is a single-storey commercial building (strip mall) with front parking, a six-storey residential building, a car dealership and Fairview Street. The Burlington Go rail line and connections to the QEW are located further north of the subject property.

East of the subject properties is Robinson Street, with low to mid-rise residential buildings. Directly East of the subject property is a seven-storey residential building. Along Prospect Street are three to four-storey tall residential buildings. Optimist Park, the Salvation Army, Burlington Student Theatre and Thom Thomson Public School, are located directly east of the subject property.

South of the subject properties is Ghent Avenue, with a mix of single-storey commercial and high-rise residential buildings. Directly south of the subject property is a row of single-storey commercial buildings that were once residential. A parking lot, brownfield and a 16-storey mix-use residential building are located further south.

West of the subject properties is Brant Street, with a mix of low to mid-rise commercial buildings. Directly west of the subject site is a single-storey commercial building (strip mall) with front parking and a three-storey office building. Further west is a mix of single-storey commercial buildings with mid-rise residential buildings.

HERITAGE STATUS

The subject property, 795 Brant Street, is listed (non-designated) on the City of Burlington's Heritage Register for Cultural Resources. The property was added in 2022 to the Municipal Register. It was removed from the register in 2015. The subject property is not part of an identified Cultural Heritage Landscape or designed Cultural Heritage District.

HERITAGE STATUS

Removal of 795 Brant Street from Heritage Register 2015

Council Resolution from Regular Meeting of Council 15-15 held July 15, 2015

REGULAR MEETING OF COUNCIL NO. 15-15

APPROVAL OF THE REQUEST TO DEMOLISH THE FARMHOUSE AT 795 BRANT STREET

Approve the request to demolish the "Maple Lodge" or "William Ghent House" or the "Bray-Ghent Farmhouse" on 795 Brant Street to facilitate redevelopment of the subject property. (PB-64-15)

A Recorded Vote was requested by Councillor Meed Ward on the above recommendation resulting in the following:

IN FAVOUR:	**Councillors Craven,Taylor, Dennison Sharman, Lancaster and Mayor Goldring**
OPPOSSED:	**Councillor Meed Ward**
	(6 in favour, 1 opposed)
	MOTION CARRIED

Council Resolution regarding the request to demolish 795 Brant Street 2015
Source: City of Brampton (2022)

Removal of 795 Brant Street from Heritage Register 2015

The following is a background of events during which the subject property was removed from the heritage register in 2015.

795 Brant Street was listed on the Municipal Register for Cultural Resources until 2015 when the owner submitted a notice of intention to demolish. Heritage Burlington Committee voted to recommend demolishing the house because they believe the property was not exceptional enough to justify a forced designation. The principle that the City should not designate against the owner's wishes except in rare circumstances is from the 2012 New Approach to Heritage Report.

A Cultural Heritage Assessment was completed in 2015 as part of the Official Plan review process and it did not identified the need to list the property.

In 2015, City Staff wrote a report to the council recommending the building be designated; however City Council approved the demolition with the following motion:

Approve the request to demolish the "Maple Lodge" or "William Ghent House" or the "Bray-Ghent Farmhouse" on 795 Brant Street to facilitate redevelopment of the subject property. (PB-64-15)

City Council based its decision on an opinion letter and report from heritage professional David Cuming.

The property was removed from the Register to facilitate the demolition by Council's Direction.

The owner, until recently, did not demolish the building, and it is still located on the site.

HERITAGE STATUS

PAST EVALUATION OF 795 BRANT STREET TO THE HERITAGE REGISTER

795 Brant Street was given an "A" grade when it was evaluated by Heritage Burlington in 1995 and later re-evaluated with the same "A" grade in 2003. In 2014, Heritage Burlington retained a consultant to review all formerly graded "A" properties on the Municipal Register to determine if they still belong on the Municipal Register. The consultant's review of the subject property has provided a grade of 82/100, based on Heritage Burlington's "Evaluation Criteria"; it was recommended to remain on the Municipal Register.

According to the 1995 LACAC Evaluation Report, the house was awarded a Burlington Historical Society plaque and included in the Inventory of Halton Heritage Features, compiled in 1981. Further, in 1989, the property owners were honoured with a Heritage Award for maintenance of this historic structure (The Hamilton Spectator, 28 February 1989).

According to David Cuming's 2015 letter response, he stated the following regarding the evaluation:

I have reviewed all three evaluation processes, and I am of the opinion that in all instances the evaluations are overstated. This occurs most notably in those factors or criteria referencing architect, environment, integrity, and usability. However, reliance on these evaluations may be sufficient to support the inclusion of non-designated property in the City of Burlington's Municipal Register of cultural heritage properties.

It is my opinion that these preliminary evaluations are not a substitute for more detailed and rigorous research is required in support of a prospective Part IV designation.

(David Cuming Memo Letter Re: Opinion on cultural heritage matters and designation under Part Iv of the Ontario Heritage Act, 795 Brant Street, Burlington, 2015)

HERITAGE STATUS

RE-LISTING ON THE MUNICIPAL HERITAGE REGISTER

On March 9, 2022, Heritage Burlington Committee proposed a motion to add 795 Brant Street to the Municipal Heritage Register. Heritage Burlington Committee was made aware that the subject property had some potential heritage value and was at risk due to a pending development application. The Committee seeks to understand why it was removed from the Heritage Register.

According to Heritage Burlington Committee meeting minutes, it was a relative who sent in correspondence requesting listing once they saw the notice of the proposed development of the subject site. It was only once the development was posted on the site that they determined that there may be some cultural value. Whereas, it has not been listed since 2015 and no one including the City or the public involved in the Official Plan review process which included public consultation, brought up the need to list the building.

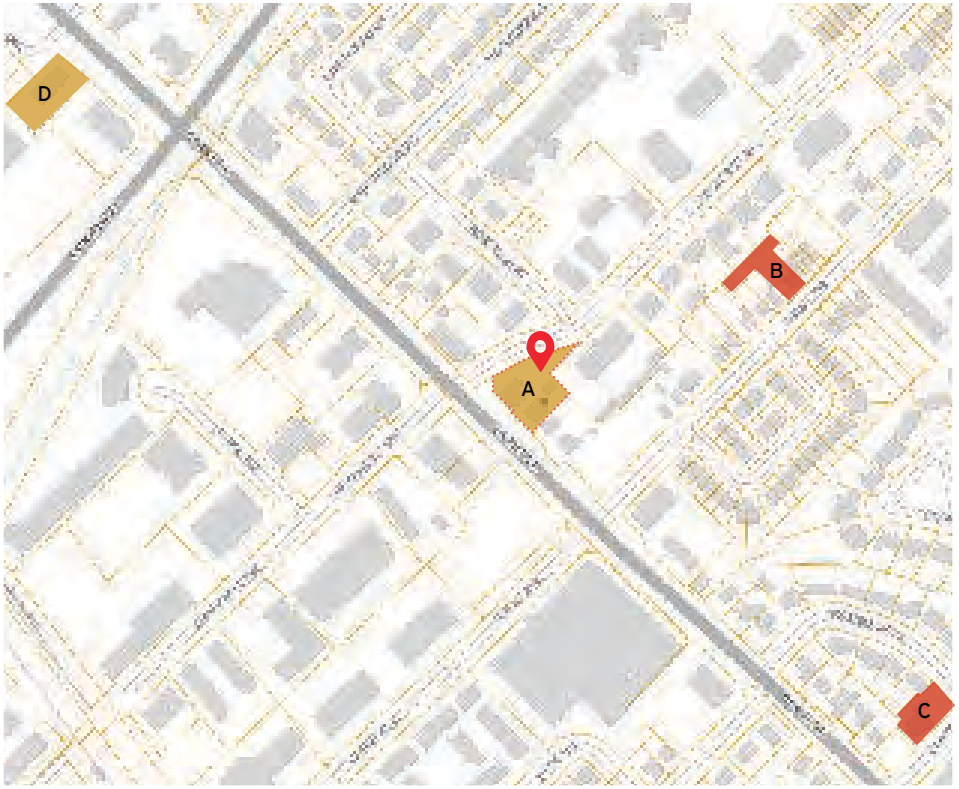
On May 11, 2022, City Staff prepared a report regarding the eligibility of 795 Brant Street for inclusion on the Municipal Register of cultural heritage Resources and that it will be going to the Community Planning, Regulation & Mobility Committee Meeting on June 7, 2022.

On June 7, 2022, The Community Planning, Regulation & Mobility Committee supported City Staff's recommendation to add 795 Brant Street to the Municipal Register.

On June 21, 2022, City Council approved the Staff's recommendation to list 795 on the Municipal Register of Cultural Heritage Resources.

HERITAGE STATUS

HERITAGE STATUS OF SURROUNDING AREA



Key plan showing heritage properties located around 795 Brant Street, Burlington.
Source: City of Burlington Heritage Property Inventory

A	Ghent Farmhouse - 795 Brant Street	(Listed)
B	The West House - 2059 Ghent Ave	(Designated)
C	Ogg-Blair House - 2021 Blairholm Ave	(Designated)
D	The Edwin Freeman House - 906 Brant Street	(Listed)

North of the subject properties, there is one (1) listed (non-designated) property along Brant Street at Fairview Street, which includes:

- 906 Brant Street – The Edwin Freeman House

East of the subject properties, there is one (1) designated property along Ghent Avenue, which includes:

- 2059 Ghent Avenue – The West House

South of the subject properties, there is one (1) designated property along Blairholm Avenue, which includes:

- 2021 Blairholm Avenue – Ogg-Blair House

West of the subject properties there are no listed or designated properties.

POLICY CONTEXT
OVERVIEW

The subject property at 789 – 795 Brant Street, is subject to several provincial and municipal heritage planning policies.

The following regulatory and policy documents were reviewed in preparing this report:

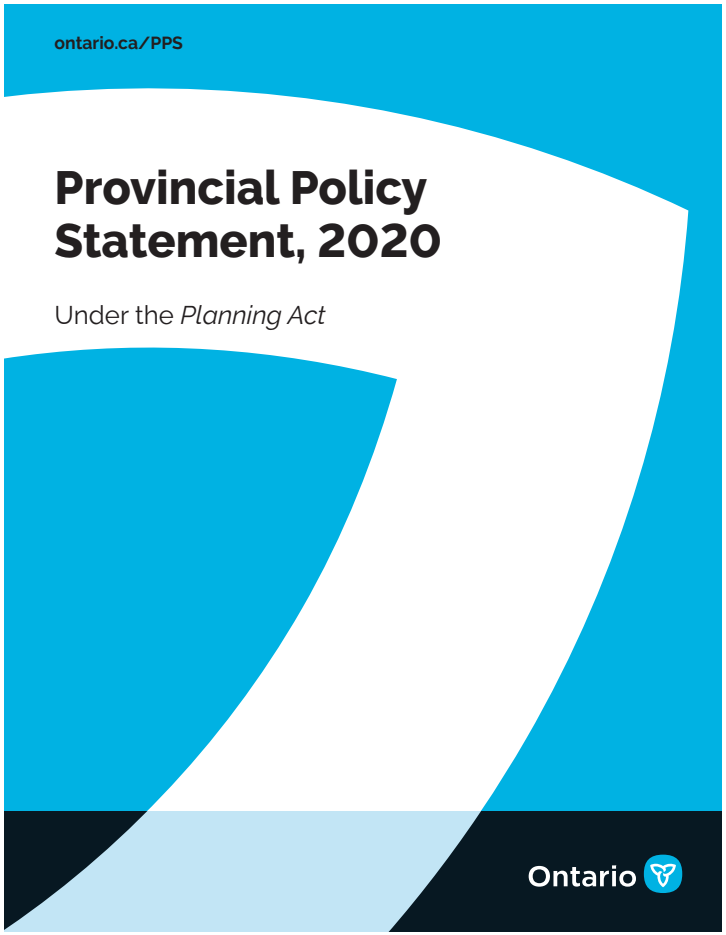
- Ontario Planning Act
- Ontario's Provincial Policy Statement;
- Ontario Heritage Act;
- Standards and Guidelines for the Conservation of Historic Places in Canada, 2010;
- Growth Plan for the Greater Golden Horseshoe, 2017;
- Ontario Heritage Toolkit, 2006;
- Halton Region Official Plan;
- City of Burlington Official Plan;

POLICY CONTEXT
ONTARIO PLANNING ACT

The *Planning Act* is the legislation that establishes the "ground rules" for land use planning in Ontario. It enables municipalities to control land use and provides for the mechanisms through which this control is exercised.

In Part 1, Section 2 provincial interest, outlines 19 areas of interest that must be considered by the Minister, Municipal Council, local boards, planning boards and Tribunals. The *Planning Act* has identified several provisions for Cultural Heritage. Part 1, Section 2(d) states:

> *The Minister, the council of a municipality, a local board, a planning board and the Municipal Board, in carrying out their responsibilities under this Act, shall have regard to, among other matters, matters of provincial interest such as, ...*
>
> *(d) the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest;*



Provincial Policy Statement, 2020
Source: Government of Ontario (2020)

The *Provincial Policy Statement* (PPS) was updated in 2020 and is intended to provide policy direction for land use planning and development regarding matters of provincial interest in addition to the *Planning Act*. Municipalities implement the PPS through an "Official Plan" which further outline their heritage policies. Cultural heritage is one of many interests contained within the PPS.

When addressing cultural heritage planning, *Section 2.6. Cultural Heritage and Archaeology* of the PPS states:

2.6.1
Significant built heritage resources and significant cultural heritage landscapes shall be conserved.

2.6.2
Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved.

2.6.3
Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.

2.6.4
Planning authorities should consider and promote archaeological management plans and cultural plans in conserving cultural heritage and archaeological resources.

2.6.5
Planning authorities shall engage with Indigenous communities and consider their interests when identifying, protecting and managing cultural heritage and archaeological resources.

The *Provincial Policy Statement*, further defined the following:

> ***Built heritage resource:*** *means a building, structure, monument, installation or any manufactured or constructed part or remnant that contributes to a property's cultural heritage value or interest as identified by a community, including an Indigenous community. Built heritage resources are located on property that may be designated under Parts IV or V of the Ontario Heritage Act, or that may be included on local, provincial, federal and/or international registers.*
>
> ***Conserved:*** *means the identification, protection, management and use of built heritage resources, cultural heritage landscapes and archaeological resources in a manner that ensures their cultural heritage value or interest is retained. This may be achieved by the implementation of recommendations set out in a conservation plan, archaeological assessment, and/or heritage impact assessment that has been approved, accepted or adopted by the relevant planning authority and/or decision maker. Mitigative measures and/or alternative development approaches can be included in these plans and assessments.*
>
> ***Cultural heritage landscape:*** *means a defined geographical area that may have been modified by human activity and is identified as having cultural heritage value or interest by a community, including an Indigenous community. The area may include features such as buildings, structures, spaces, views, archaeological sites or natural elements that are valued together for their interrelationship, meaning or association. Cultural heritage landscapes may be properties that have been determined to have cultural heritage value or interest under the Ontario Heritage Act, or have been included on federal and/or international registers, and/or protected through official plan, zoning by-law, or other land use planning mechanisms.*
>
> ***Heritage attributes:*** *means the principal features or elements that contribute to a protected heritage property's cultural heritage value or interest, and may include the property's built, constructed, or manufactured elements, as well as natural landforms, vegetation, water features, and its visual setting (e.g. significant views or vistas to or from a protected heritage property).*
>
> ***Protected heritage property:*** *means property designated under Parts IV, V or VI of the Ontario Heritage Act; property subject to a heritage conservation easement under Parts II or IV of the Ontario Heritage Act; property identified by the Province and prescribed public bodies as provincial heritage property under the Standards and Guidelines for Conservation of Provincial Heritage Properties; property protected under federal legislation, and UNESCO World Heritage Sites.*
>
> ***Significant:*** *means*
>
> *e) in regard to cultural heritage and archaeology, resources that have been determined to have cultural heritage value or interest. Processes and criteria for determining cultural heritage value or interest are established by the Province under the authority of the Ontario Heritage Act.*

POLICY CONTEXT

ONTARIO HERITAGE ACT R.S.O. 1990, C.O. 18

ONTARIO REGULATION 9/06

Ontario Heritage Act is the main guiding legislation for the conservation of significant cultural heritage resources in Ontario. The Act enables municipalities and the Province to designate individual properties, heritage conservation districts and cultural landscapes as being of cultural heritage value or interest. The Act calls for a municipal register to be created for designated properties. It also enables municipalities to create a municipal register for 'listed' non-designated properties which have been identified that may have potential cultural heritage value or interest.

Evaluation of cultural heritage resources is guided by O*ntario Regulation 9/06 (O. Reg 9/06),* which provides the criteria for determining cultural heritage value or interest. If a property meets one or more of the criteria for designation, it may be designated under the Ontario Heritage Act

POLICY CONTEXT

ONTARIO HERITAGE ACT R.S.O. 1990, C.O. 18

ONTARIO REGULATION 9/06

ONTARIO REGULATION 9/06

CRITERIA FOR DETERMINING CULTURAL HERITAGE VALUE OR INTEREST

Criteria

1. (1) The criteria set out in subsection (2) are prescribed for the purposes of clause 29 (1) (a) of the Act.

(2) A property may be designated under section 29 of the Act if it meets one or more of the following criteria for determining whether it is of cultural heritage value or interest:

1. The property has design value or physical value because it,

i. is a rare, unique, representative or early example of a style, type, expression, material or construction method,

ii. displays a high degree of craftsmanship or artistic merit, or

iii. demonstrates a high degree of technical or scientific achievement.

2. The property has historical value or associative value because it,

i. has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community,

ii. yields, or has the potential to yield, information that contributes to an understanding of a community or culture, or

iii. demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to a community.

3. The property has contextual value because it,

i. is important in defining, maintaining or supporting the character of an area,

ii. is physically, functionally, visually or historically linked to its surroundings,

iii. is a landmark.

Transition

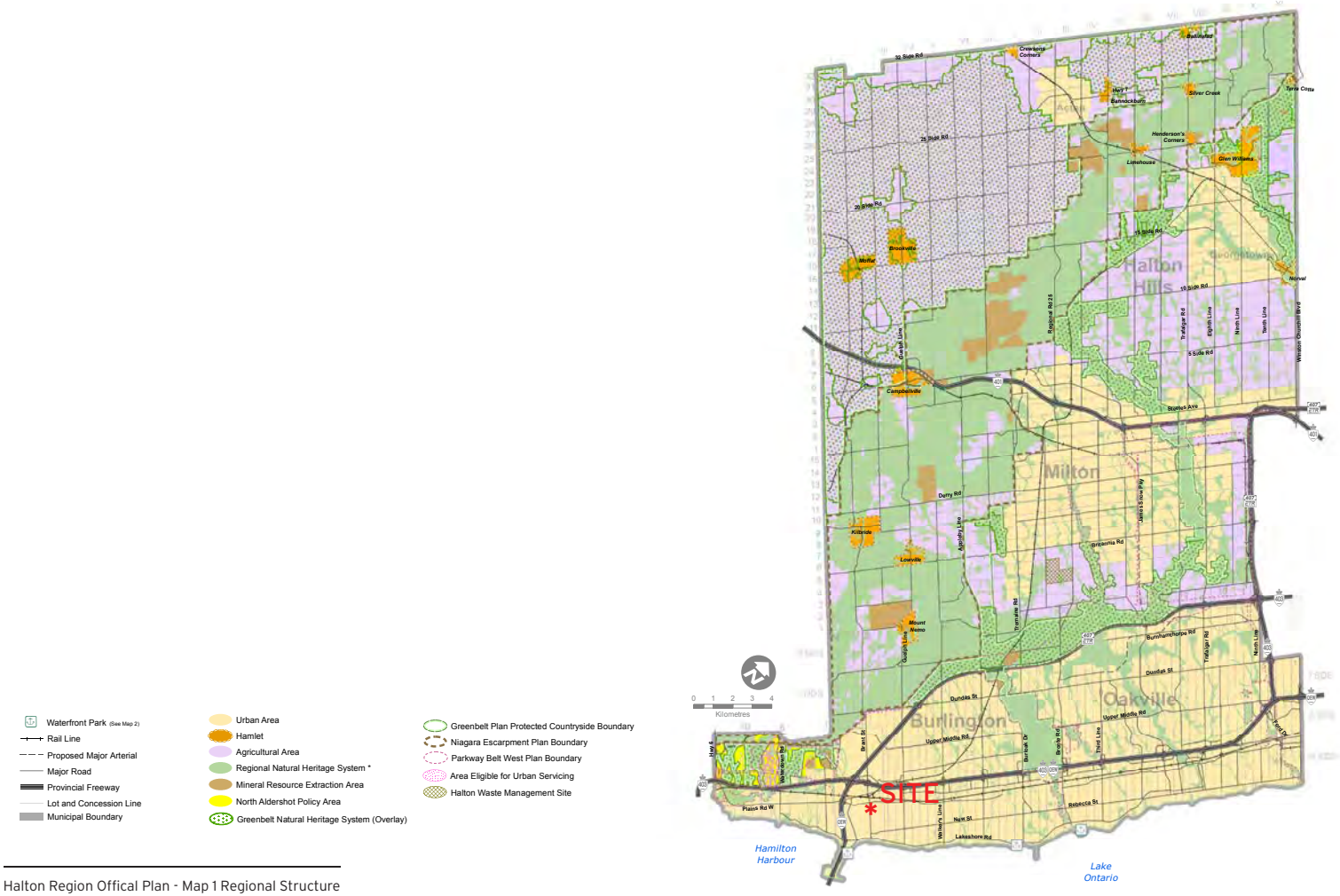
2. This Regulation does not apply in respect of a property if notice of intention to designate it was given under subsection 29 (1.1) of the Act on or before January 24, 2006.

Note:

The designation of properties of heritage value by municipalities in Ontario is based on the above criteria evaluated in the context of that municipality's jurisdiction. Buildings need not be of provincial or national importance to be worthy of designation and preservation.

POLICY CONTEXT

HALTON REGION OFFICIAL PLAN



Halton Region Offical Plan - Map 1 Regional Structure
Source: https://www.halton.ca/Repository/ROP-Office-Consolidation-Maps-All

The Halton Region Official Plan makes a number of provisions regarding the Cultural Heritage Resources. In Part IV of the official Plan, its states the following:

165. The goal for Cultural Heritage Resources is to protect the material, cultural and built heritage of Halton for present and future generations.

166. The objectives of the Region are:

(1) To promote awareness and appreciation of Halton's heritage.

(2) To promote and facilitate public and private stewardship of Halton's heritage.

167. It is the policy of the Region to:

(1) Maintain, in conjunction with the Local Municipalities, local historical organizations, and municipal heritage committees a list of documented Cultural Heritage Resources in Halton.

(2) Inform promptly the appropriate government agencies, First Nations and Municipal Heritage Committees of development proposals that may affect defined Cultural Heritage Resources and known archaeological sites.

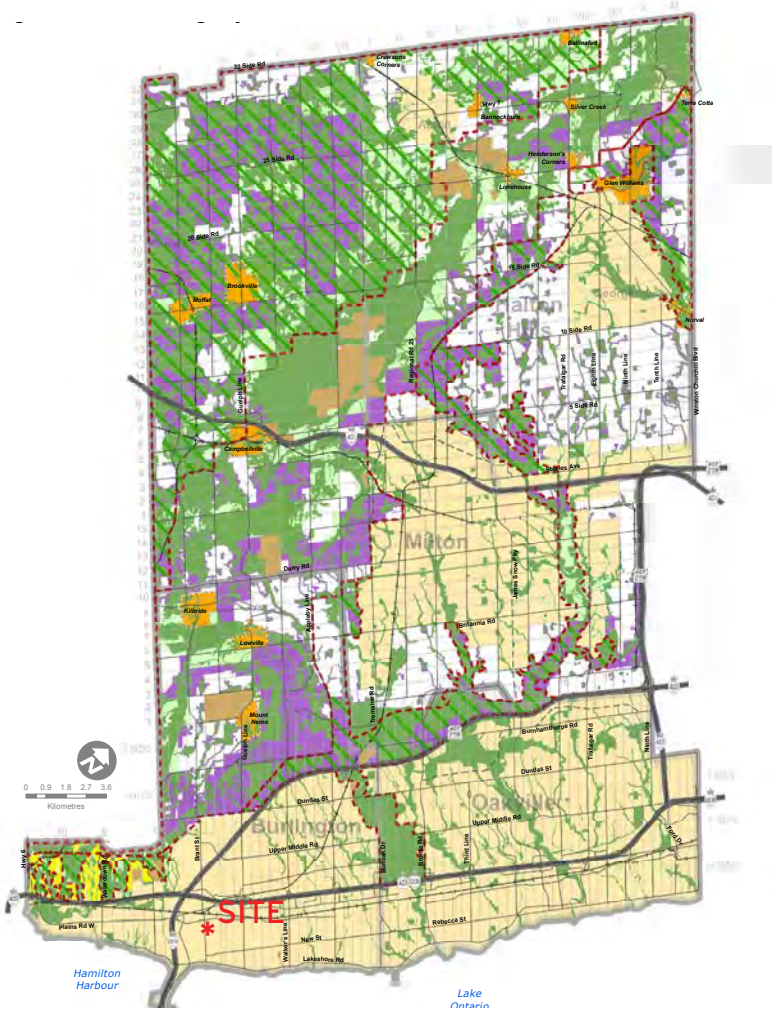
(2.1) Establish and implement guidelines (protocol) for consulting with First Nations on relevant planning applications in accordance with Provincial legislation, regulations and guidelines.

(3) Require that development proposals on adjacent lands to protected Cultural Heritage Resources:

a) study and consider the preservation, relocation and/or adaptive re-use of historic buildings and structures based on both social and economic costs and benefits;

POLICY CONTEXT

HALTON REGION OFFICIAL PLAN



Halton Region Offical Plan - Map 1G Regional Structure
Source: https://www.halton.ca/Repository/ROP-Office-Consolidation-Maps-All

b) incorporate in any reconstruction or alterations, design features that are in harmony with the area's character and existing buildings in mass, height, setback and architectural details; and

c) express the Cultural Heritage Resources in some way, including: display of building fragments, marking the traces of former locations, exhibiting descriptions of former uses, and reflecting the former architecture and uses.

(4) Prepare an Archaeological Management Plan to inventory, classify and map significant archaeological resources and areas of archaeological potential in Halton and to provide direction for their assessment and preservation, as required, and update such a Plan as part of the statutory five-year review of this Plan.

(5) Encourage the Local Municipalities to prepare, as part of any Area-Specific Plan or relevant Official Plan amendment, an inventory of heritage resources and provide guidelines for preservation, assessment and mitigative activities.

(6) Prior to development occurring in or near areas of archaeological potential, require assessment and mitigation activities in accordance with Provincial requirements and the Regional Archaeological Management Plan.

(7) Maintain and operate a Regional facility to, through collection management, research, exhibits and programming:

a) preserve the material and cultural heritage of Halton,

b) acquire and share knowledge of Halton's historical and natural world, and

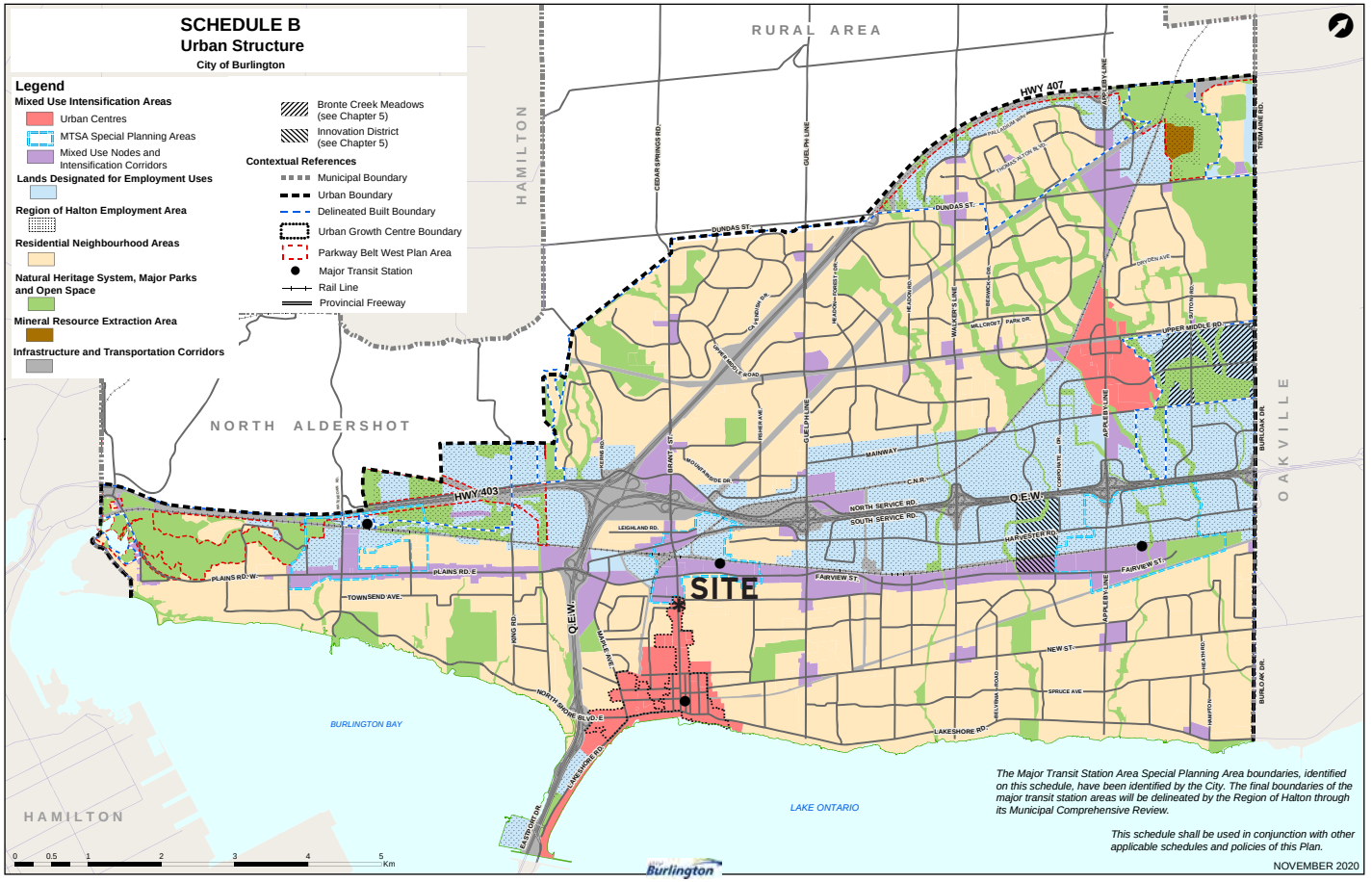
c) encourage discovery, appreciation and understanding of Halton's heritage.

(8) Develop a coordinated heritage signage and heritage promotion program in Halton.

(9) Ensure that the protection of Cultural Heritage Resources has regard for normal farm practices.

POLICY CONTEXT

CITY OF BURLINGTON OFFICIAL PLAN



City of Burlington Official Plan - Schedule B Urban Structure
Source: https://www.burlington.ca/en/planning-and-development/resources/Official-Plan/Burlington-Official-Plan-2020-Full.pdf

The City of Burlington Official Plan identifies and supports Cultural Heritage Resources that are located throughout the city. Many are privately owned, and they are important to the legacy that helps the community to understand the past and provides context for the present, and influences the future.

Cultural heritage resources are comprised of built heritage resources, cultural heritage landscape and archaeological resources. These resources provide physical and cultural links to the identity of the city, which creates a sense of place and contributes to the quality of life and enjoyment of the city. The conservation of cultural heritage resources also contributes to the overall sustainability of the city.

Section 3.5 of the Official Plan contains objectives and policies and provides a framework for their identification, promotion and conservation.

3.5.1 OBJECTIVES

a) To recognize and raise awareness of cultural heritage resources in the city.

b) To encourage and support public and private stewardship of the city's cultural heritage resources.

c) To encourage innovation and creativity in the maintenance, rehabilitation, renovation, and reuse of cultural heritage resources.

d) To minimize the demolition, destruction, deterioration, and inappropriate alteration and/or use of cultural heritage resources in accordance with legislative authority and sound heritage conservation practices.

e) To identify cultural heritage resource conservation issues early on and throughout in the land use planning and decision-making process.

f) To ensure that new development in areas with cultural heritage character does not detract from the overall cultural heritage character of the area, as defined through study.

g) To identify archaeological resources and areas of archaeological potential and to ensure that significant archaeological resources are conserved on lands where development or site alteration is proposed.

h) To identify cultural heritage landscapes in the city.

i) To encourage an active and engaged approach to heritage conservation and to provide practical advice to owners of cultural heritage resources about the means of protecting and maintaining cultural heritage resources.

j) To encourage and develop private and public financial and non-financial support for the conservation of cultural heritage resources and to support the continuing use, reuse, care and conservation of cultural heritage resources by encouraging property owners to seek out and apply for any available funding for conservation work and good stewardship.

k) To encourage other orders of government, including the Region of Halton, Provincial ministries, and Conservation Halton, to take actions to conserve, enhance and use cultural heritage resources located in the City of Burlington.

Supporting the objectives are policies to be implemented through the official plan such as 3.5.2(5) Development Polcieis which affects the subject property states:

3.5.2 POLICIES
3.5.2(5) DEVELOPMENT POLICIES

a) All development shall consider cultural heritage resources and, wherever feasible, incorporate these resources into any development plans in a way that conserves the heritage attributes of the cultural heritage resource.

b) If development is proposed on any property that in the opinion of the City has the potential to meet eligibility criteria for designation under The Ontario Heritage Act, the property, or portions of the property, may be considered for heritage designation or the entering into of a heritage conservation easement agreement, to secure conservation of cultural heritage resources.

c) All options for the retention of cultural heritage resources in their original location should be exhausted before resorting to re-location. The following alternatives shall be given due consideration in order of priority:

(i) on-site retention in the original use and location and integration with the surrounding or new development;

(ii) on-site retention in an adaptive re-use;

(iii) re-location to another site within the same development; and

(iv) re-location to a sympathetic site within the city.

The City will consider other conservation solutions as appropriate.

d) Completion of a Heritage Impact Study by a qualified person shall be required prior to the City recognizing a complete application for proposed development, where the City foresees potential unacceptable impacts on the heritage attributes(including important landscapes, vistas and streetscape) of a property designated pursuant to The Ontario Heritage Act, or of a property that in the opinion of the City has the potential to meet eligibility criteria for designation under The Ontario Heritage Act. Completion of a Heritage Impact Study may be required prior to any approvals for proposed development where the City foresees potential unacceptable adverse impacts on the cultural heritage attributes of any other property identified on the

City's Municipal Register. The applicant shall submit a Heritage Impact Statement when:

> *(i) the proposal requires an Official Plan Amendment, a zoning by-law amendment, a plan of subdivision, a plan of condominium, a site plan application, or where necessary, a consent or minor variance application;*
>
> *(ii) the proposal involves the demolition of a building or the removal of a building or landscape feature or part thereof of a cultural heritage resource; and/or*
>
> *(iii) there is potential for unacceptable adverse impacts to a cultural heritage resource from the proposed development.*

e) If a development proposal substantially changes in scope and/or design from that described in the Heritage Impact Statement, the City shall require that the applicant submit additional information, which may include a revised Heritage Impact Statement, as needed in the opinion of the City.

f) Approval of the development on lands containing cultural heritage resources and/or within a cultural heritage landscape may be subject to conservation of the cultural heritage resource. Should the City, in consultation with its municipal heritage committee, determine that the proposal to alter, demolish or erect a structure that would detract from, or indirectly impair the character, quality, heritage attributes or stability of a significant cultural heritage resource, the proposal shall be subject to the recommendations of a Heritage Impact Statement.

g) Cultural heritage resources that are to be removed, demolished, or significantly altered with the appropriate approvals from the City, shall be recorded for archival purposes with a history, photographic record and measured drawings, as appropriate, before alteration, removal or demolition. Such documentation shall be provided to the City for archival purposes.

h) Local utility companies and public works projects shall design and locate infrastructure, equipment and devices and conduct work in such a manner so that they do not detract from the visual character of the heritage attributes of cultural heritage resources.

i) Trees and other vegetation and/or landscape features identified as contributing to the cultural heritage value or interest of a cultural heritage resource should be preserved, and considered in the design of any development. Where removal of trees or other vegetation and/or landscape features identified as contributing to the cultural heritage value or interest of a cultural heritage resource is proposed, the City may require the applicant to revise the proposal such that these features are retained.

j) The City may require a letter of credit or other financial security satisfactory to the City, from the owner of property containing a cultural heritage resource or of property within a cultural heritage landscape, to secure:

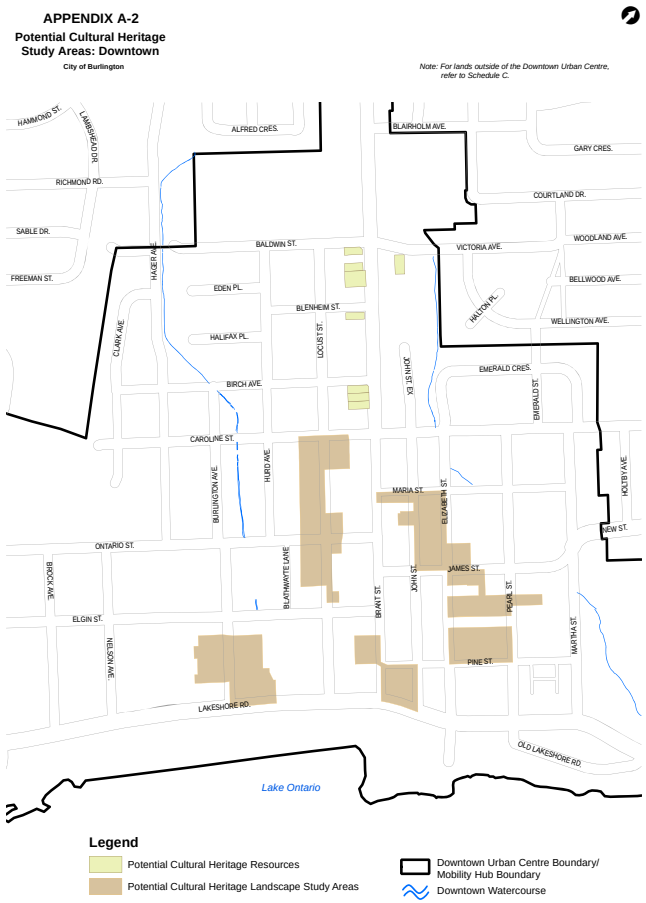
> *(i) protection of the resource during development and/or re-location; and/or*
>
> *(ii) implementation of measures to conserve the cultural heritage resource approved by the City.*

k) For the purpose of assessing the impacts of development or site alteration on adjacent lands to protected heritage property, adjacent lands include lands that directly abut the protected heritage property; lands located on any corner of an intersection where a protected heritage property occupies one of the corners; and lands located directly across a public or private street from a protected heritage property.

l) Development and site alteration shall not be permitted on adjacent lands to protected heritage property except where the proposed

POLICY CONTEXT

CITY OF BURLINGTON OFFICIAL PLAN



City of Burlington Official Plan - Potential Cultural Heritage Study Area: Downtown
Source: https://www.burlington.ca/en/planning-and-development/resources/Official-Plan/Burlington-Official-Plan-2020-Full.pdf

development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.

According to Appendix A-2 of the Official Plan, the subject property is not located within a Potential Cultural Heritage Study Area in the Downtown.

The Official Plan defines the following as:

> **Built heritage resources, cultural heritage landscapes and archaeological resources** *that have been determined to have cultural heritage value or interest for the important contribution they make to our understanding of the history of a place, an event, or a people. While some cultural heritage resources may already be identified and inventoried by official sources, the significance of others can only be determined after evaluation.*
>
> **Cultural Heritage Landscape** – *A defined geographical area that may have been modified by human activity and is identified as having cultural heritage value or interest by a community, including an Indigenous community. The area may involve features such as structures, spaces, archaeological sites or natural elements that are valued together for their inter-relationship, meaning or association. Examples may include, but are not limited to, heritage conservation districts designated under The Ontario Heritage Act; villages, parks, gardens, battlefields, main streets and neighbourhoods, cemeteries, trailways, viewsheds, natural areas and industrial complexes of heritage significance; and areas recognized by federal or international designation authorities (e.g. a National Historic Site or District designation, or a UNESCO World Heritage Site)*
>
> **Built Heritage Resource** – *A building, structure, monument, installation or any manufactured or constructed part or remnant that contributes to a property's cultural heritage value or interest as identified by a community, including an Indigenous community. Built*

heritage resources are located on property that may be designated under Parts IV or V of The Ontario Heritage Act, or that may be included on local, provincial, federal and/or international register

Conservation or Conserved – *The identification, protection, management and use of built heritage resources, cultural heritage landscapes and archaeological resources in a manner that ensures their cultural heritage value or interest is retained under The Ontario Heritage Act. This may be achieved by the implementation of recommendations set out in a conservation plan, archaeological assessment, and/ or cultural heritage impact assessment or cultural heritage landscape impact assessment. Mitigative measures and/or alternative development approaches can be included in these plans and assessments.*

Heritage Attributes –*The principal features or elements that contribute to a protected heritage property's cultural heritage value or interest, and may include the property's built, constructed, or manufactured elements, as well as natural landforms, vegetation, water features, and its visual setting (e.g. significant views or vistas to or from a protected heritage property).*

Protected Heritage Property – *Property designated under Parts IV, V or VI of The Ontario Heritage Act; property subject to a heritage conservation easement under Parts II or IV of The Ontario Heritage Act; property identified by the Province and prescribed public bodies as provincial heritage property under the Standards and Guidelines for Conservation of Provincial Heritage Properties; property protected under federal legislation, and UNESCO World Heritage Sites.*

HISTORICAL VALUE

EARLY & INDIGENOUS HISTORY

DATE	PERIOD	SUB-PERIOD	LIFE STYLE CHARACTERISTICS	MATERIAL CULTURE
9000	Paleo-Indians	Early Paleo-Indians (9000-8500 BC)	Hunting	Projectile Points: Fluted Points Hi-Lo and Holocombe Point Types
8000		Late Paleo-Indians (8500-7500 BC)	Small Migratory Bands	
7000	Archaic	Early Archaic (7500-6000 BC)	Hunting & Gathering Seasonal Subsistence Migratory Patterns	Introduction of Polished and Groundstone Tools
6000		Middle Archaic (6000-2500 BC)		Earliest Use of Copper
5000				
4000				
3000				
2000		Late Archaic (2500-6000 BC)		Exotic Items Linked to Trade Networks
1000 BC	Woodland	Early Woodland (1000-400 BC)	Continuation of Hunting & Gathering Complex Burial Ceremonialism	Early Pottery
0		Middle Woodland (400 BC-AD 500)		Decorative Pottery Elements
AD 1000		Early-Late Woodland (AD 500-1000)	Introduction of Crop Cultivation Emergence of Village Life Tribal Confederacies	Bow & Arrow Ceramic Pipes
		Late Woodland: Ontario Iroquoian (AD 1000-1600)		
1600	Post-Contact	Late Ontario Iroquoian (1600-1650)	Tribal Warfare Fur Trade	Spread of European Goods
2000		Mississaugas (Ojibwa) (1690-1800s)	Hunters & Gatherers with Fisheries Trade Along Waterways	

Chronological Summary of Indigenous History in Southern Ontario
Source: Developed from information from summaries of Ontario Archaeology (refer to Bibliography)

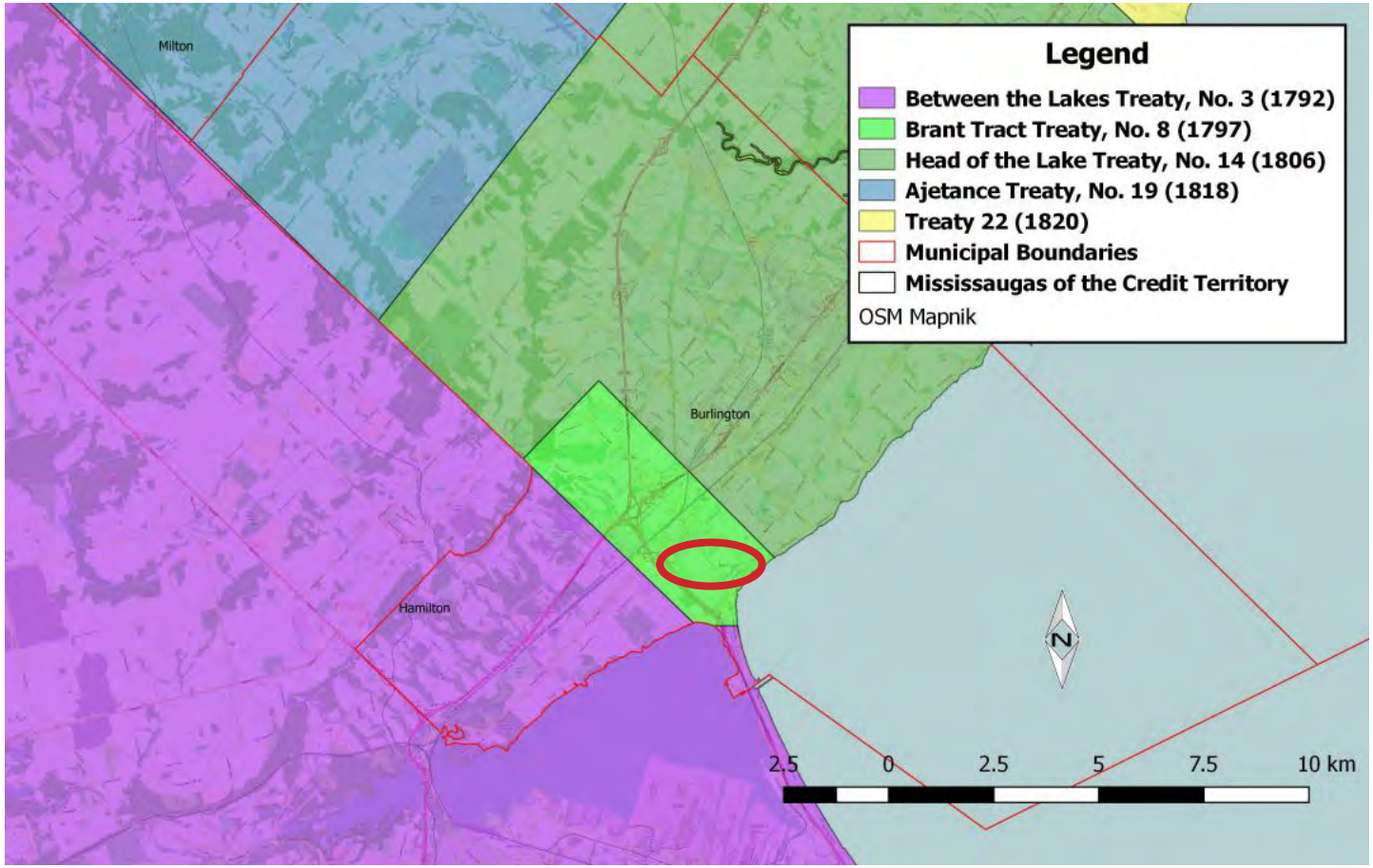
HISTORICAL VALUE
EARLY & INDIGENOUS HISTORY

Southern Ontario has a long history of human settlement that can be traced back to approximately 13,000 years ago. The cultural history of the area covered by the Halton Region began at least 10,000 years ago, first occupied by diverse groups of Indigenous North Americans prior to the arrival of European settlers. This period is referred to as the Pre-Contact period and can be divided into distinct periods based on changes in lifestyles and material culture.

The earliest known inhabitants are from the Paleo-Indian Period which lasted between 9000 to 7500 BC. The melting of the glacial ice sheet that covered the region exposed a tundra-like landscape that was settled by small bands of nomadic hunters. These groups primarily relied on the hunting of large animals such as caribou, mastodon and mammoths for sustenance, travelling with the migratory animals. Their settlements would have been temporary camps, as they covered huge areas over the annual cycle of movement. They can be identified based on distinct projectile point forms: fluted points utilized by the Early Paleo-Indians, and the lanceolate Hi-Lo point type or the unfluted Holocombe of the Late Paleo-Indians. There have been sites found within the region that indicate the presence of the late Paleo-Indian Hi-Lo tradition.

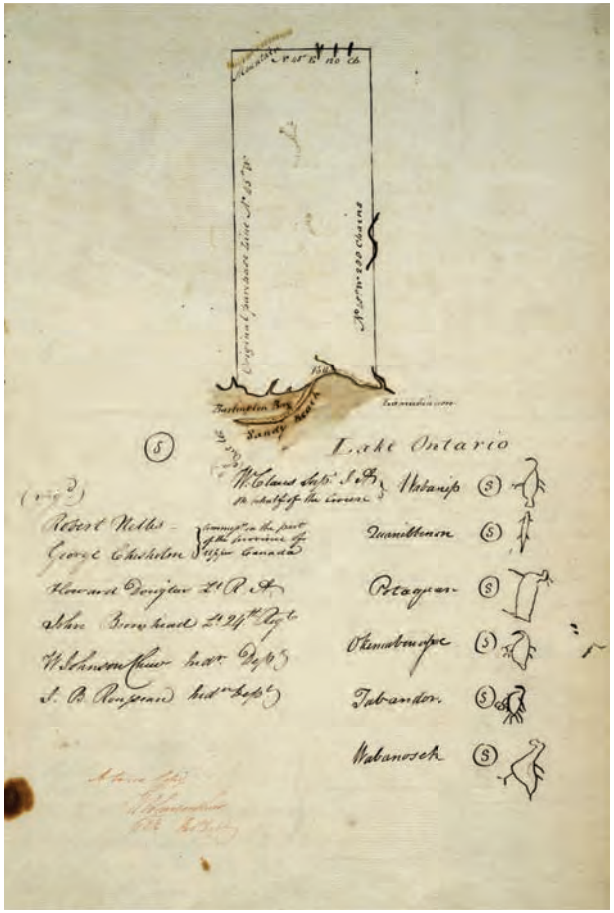
The Archaic Period in Southern Ontario spanned between 7500 to 1000 BC, during which the culture evolved in response to the transition of biotic communities into the mixed-coniferous and deciduous forests of today. The emergence of temperate forests led to the adoption of a hunting and gathering lifestyle that became less focused on big game hunting, and increasingly relied on fishing and foraging for plants. Seasonal sustenance patterns emerged. During the spring and summer, larger bands would assemble along the shorelines of lakes and rivers where fish would be plentiful during spawning runs, hunting along the waterways and gathering nuts, berries, and roots in the surrounding forests. For the fall and winter, the bands broke into small family groups and moved inland where efforts were focused on hunting. Seasonal migration patterns were a continued feature of the Archaic culture, though constrained within the extents of

HISTORICAL VALUE
EARLY & INDIGENOUS HISTORY



Map depicting the boundaries of Brant Tract Treaty No.8 and several neighbouring treaties. Source: Mississaugas of the Credit First Nation, Brant Tract Tready No. 8, Map of Municipal Boundaries Related to the Brant Tract Tready No. 8 (1797), http://mncfn.ca/treaty8/

HISTORICAL VALUE
EARLY & INDIGENOUS HISTORY



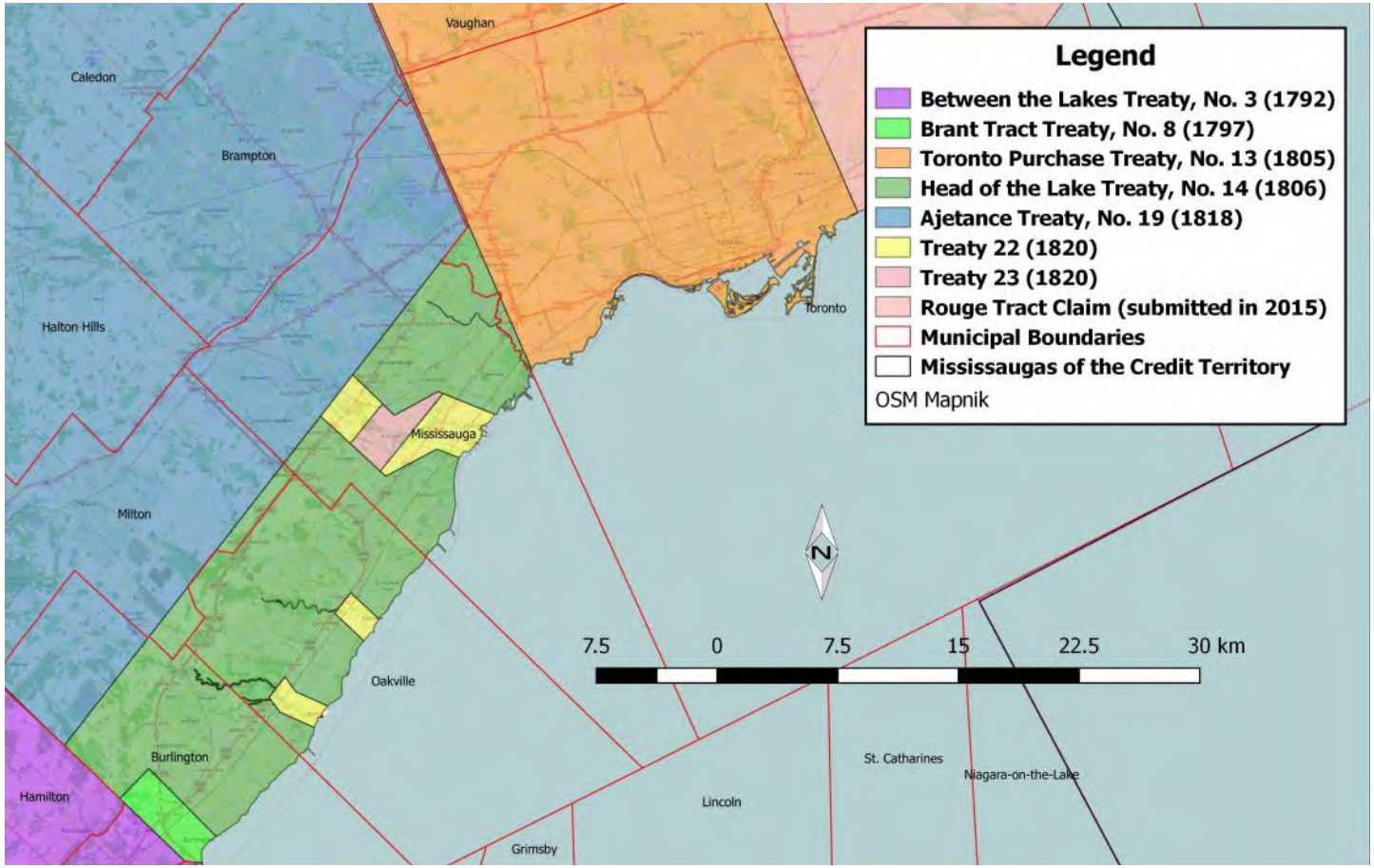
Treaty No. 8 Map for the Purchase of Brant's Block from the Mississauga. Source: The Burlington Historical Society http://burlingtonhistorycollection.bpl.on.ca:8080/vital/access/manager/Mirador?pid=bpl:207486

smaller areas. It is believed they lived in some form of wigwam structures that were easy to erect and disassemble. Political organization into band groups was maintained, albeit ones of larger size. Archaic settlements have been discovered across the region, mostly along the Credit River and Cooksville Creek, waterways which would have likely been areas of intense activity during the warmer months.

The following period which lasted between 1000 BC and AD 1650 is referred to as the Woodland Period and can be broken down into distinct stages throughout which there were considerable changes to subsistence practices, settlement patterns, and political organization. The Early Woodland (1000 – 400 BC) and Middle Woodland (400 BC-AD 500) periods experienced little change in regards to the hunting and gathering subsistence pattern of the previous period, band level organization continued, and groups grew larger in size. Rather the transition to this period is marked by the introduction of pottery to Southern Ontario as well as changes in economic and social aspects of the culture. During the Middle Archaic period, there was evidence that an extensive trade network had emerged bringing with it the earliest use of copper (sourced from northern Ontario), which continued into the Woodland period introducing increasingly exotic artifacts into the region. There was also an increase in consideration around burial practices and ceremonialism. The Early Woodland period saw the use of exotic artifacts within graves as a means of status differentiation. Burial ceremonialism became more elaborate into the Middle Woodland Period during which it reached its climax. Pottery also became more detailed and widespread over time.

The beginning of the Late Woodland period starting in AD 500 to 1000 marked the beginning of the transition to primarily agricultural communities. This transition period is referred to as the Princess Point culture and is attributed to the introduction of corn (maize) horticulture into southern Ontario. The practice of foraging of previous periods continued alongside experimentation with early agriculture and led to the establishment of communities which were occupied for increasingly periods of the year.

HISTORICAL VALUE
EARLY & INDIGENOUS HISTORY



Map depicting the boundaries of Head of the Lake Treaty No.14 and several neighbouring treaties.
Source: Mississaugas of the Credit First Nation, Head of the Lake Treaty No.14, Map of Municipal Boundaries Related to the Head of the Lake Treaty No.14 (1806), http://mncfn.ca/head-of-the-lake-purchase-treaty-14/

HISTORICAL VALUE
EARLY & INDIGENOUS HISTORY

The Ontario Iroquoian tradition (AD 1000 to 1650) of the Late Woodland period marked the full cultural transition from migratory camps to long-term village settlements. The adoption of agriculture as the primary food source necessitated Iroquois groups to form semi-permanent sites to tend to crops. An Iroquoian village was generally made up of longhouses which were occupied by extended families, and often protected by palisade walls. Crops such as corns, beans, and squash, were grown on fields encircling the village. The village sites were occupied until the soil was depleted of nutrients, upon which the community would relocate to a fresh site a short distance away and establish a new settlement. The political organization of the Ontario Iroquoians was at a tribal level, where the tribe had formal leaders. By the Late Iroquoian period (AD 1400 to 1650) villages had grown to their largest size and distinct tribal groups emerged within the region. The Iroquoian groups in southern Ontario were split into three tribe confederacies: the Hurons, Petuns and Neutrals. This was accompanied by widespread warfare between the tribes which included large-scale raids from more distant tribes such as the Iroquoian confederacies in New York. Evidence of the presence of the cultures of the Woodland Period in the region has been well-represented, with majority of the sites concentrated along the Credit River watershed.

It was sometime between AD 1600 and 1650 that the Ontario Iroquoians were brought into contact with early European settlers. Visits from the French fur traders and explorers soon led to the participation of all three Ontario tribes (Hurons, Neutrals, and Petuns) in the fur trade, trading furs and extra crops such as corn for European goods. However, the fur trade also caused the warfare between the tribes to escalate, particularly that between the Hurons and the New York Iroquoians (Five Nations Confederacy), who came into conflict for areas rich in fur-bearing animals and fur trade routes. By 1650 it grew into open war with the Five Nations Iroquois controlling southern Ontario and leading to the collapse of the Huron confederacy in 1649, closely followed by that of the Petuns and Neutrals. This led to the dispersal of the Ontario Iroquoians from southern Ontario into other distant areas.

HISTORICAL VALUE
EARLY & INDIGENOUS HISTORY

Portrait of Joseph (Thayendanegea) Brant
Source: National Portrait Gallery, Thayendanegea / Joseph Brant: Two Names, Two Identities https://npg.si.edu/blog/thayendanegea-joseph-brant-two-names-two-identities

HISTORICAL VALUE
EARLY & INDIGENOUS HISTORY

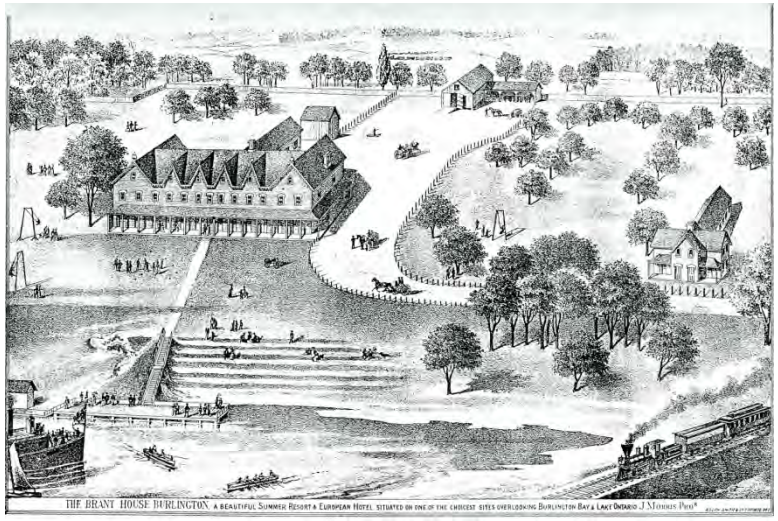
Having gained control of the area, the League of Five Nations began threatening the more distant Anishinabe such as the Ojibway of Lake Huron. A concerted effort by the Ojibway, Odawa and Potawatomi in the 1690s resulted in the Iroquois being pushed back south of Lake Ontario. The Mississaugas also participated in this conflict and once the Iroquois were forced from the region and peace had been negotiated with the Mohawk, the Mississaugas began to settle the area in approximately 1695. One large group settled in the Trent River valley, along Lake Ontario and St. Lawrence to Brockville. A second group settled in the area between Toronto and Lake Erie.

The Mississaugas of the Credit, members of the Ojibway (Anishinabe) Nation, originally hailed from further north and relied primarily on a hunter-gatherer subsistence strategy supplemented with agriculture, in contrast to the Ontario Iroquoians. They settled near the Credit River, utilizing the waterway for fishing, transportation and trade, and hunting and building shelters along the shores. Their lifestyles and society were greatly impacted by the seasons. During the spring and summer, they would move to their fisheries (semi-permanent villages along the river) where they also participated in agriculture with the cultivation of small gardens on the river flats, breaking up into smaller family groups for the winter to hunt and fish. In the early spring, they would relocate to maple sugar grounds for the harvest, before recongregating again at the fisheries. In the early 1700s, the Mississauga's participated in the fur trade with the French who established trade posts along the west end of Lake Ontario.

The first European exploration of the area was in 1669 by the French explorer and fur traders Sieur de La Salle, Rene Robert Cavalier and Louis Joilet.

In 1763, following the fall of Quebec, New France was transferred to British control at the Treaty of Paris. The British government began to pursue major land purchases to the north of Lake Ontario in the early nineteenth century, the Crown acknowledged the Mississaugas as the owners of the

HISTORICAL VALUE
EARLY & INDIGENOUS HISTORY



lands between Georgian Bay and Lake Simcoe and entered into negotiations for additional tracts of land as the need arose to facilitate European settlement.

In 1818, the Mississaugas of the Credit sold approximately 648,000 acres of land to the Crown. By this point, the Mississaugas were under increasing pressure from the ever increasing number of settlers and their fisheries. They were creating a significant negative impact on the traditional economy of the Mississaugas which in turn left their people impoverished.

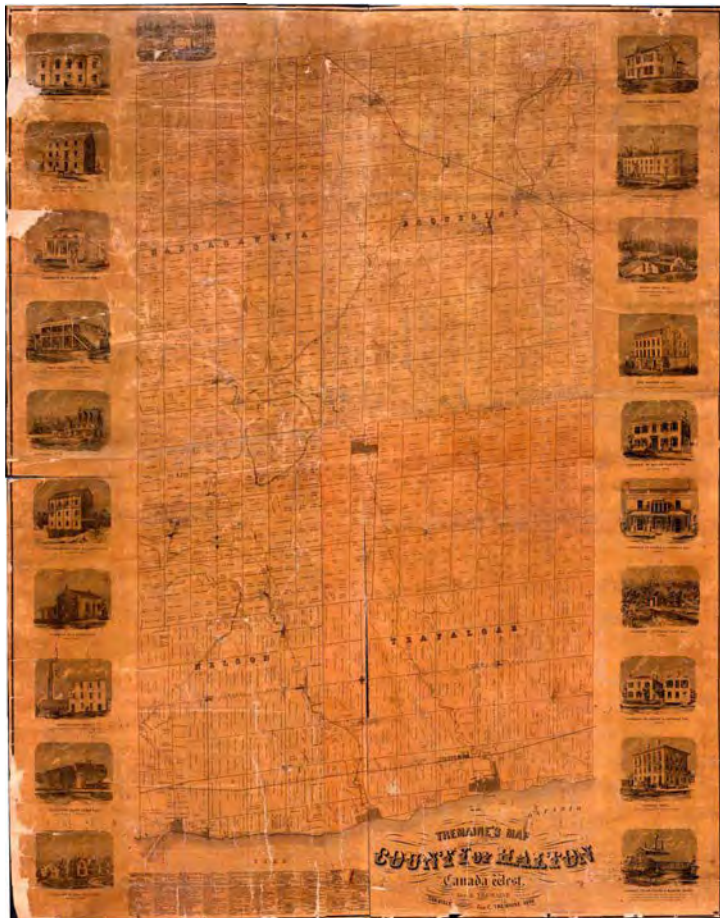
In 1797, the Crown recognized the service Mohawk Chief Joseph Brant, Chief of the Indians of the Six Nations, provided during the conflict between British forces during the American Revolutionary War. For his service, the Crown allowed him a choice of land for his own use. Brant chose a tract of land containing 3450 acres on which the present-day city of Burlington, Ontario is located. In October 1795, a provisional agreement was reached wherein the Mississaugas sold the land for £100. The purchase agreement was confirmed in 1797, with The Brant Tract Treaty, No 8.

Following the Toronto Purchase Treaty No. 13 in 1805, the Crown pursued to purchase 70,784 acres of land bounded by the Toronto Purchase of 1787 in the east, the Brant Tract in the west, and a northern boundary that ran six miles back from the shoreline of Lake Ontario. The sale of the Mississaugas lands was completed in 1806 with the "Head of the Lake Treaty, No.14." They retained only 1 mile on either side of the Credit River which became the Credit Indian Reserve, but this land was eventually surrendered in 1820.

Above - Home of Captain Brant at the Head of Lake Ontario (Walsh 1804)
Source: Burlington Historical Society

Below - The Brant House Burlington (1877)
Source: Halton Information Network (Illustrated Historical Atlas of Halton County)

HISTORICAL VALUE
HALTON COUNTY

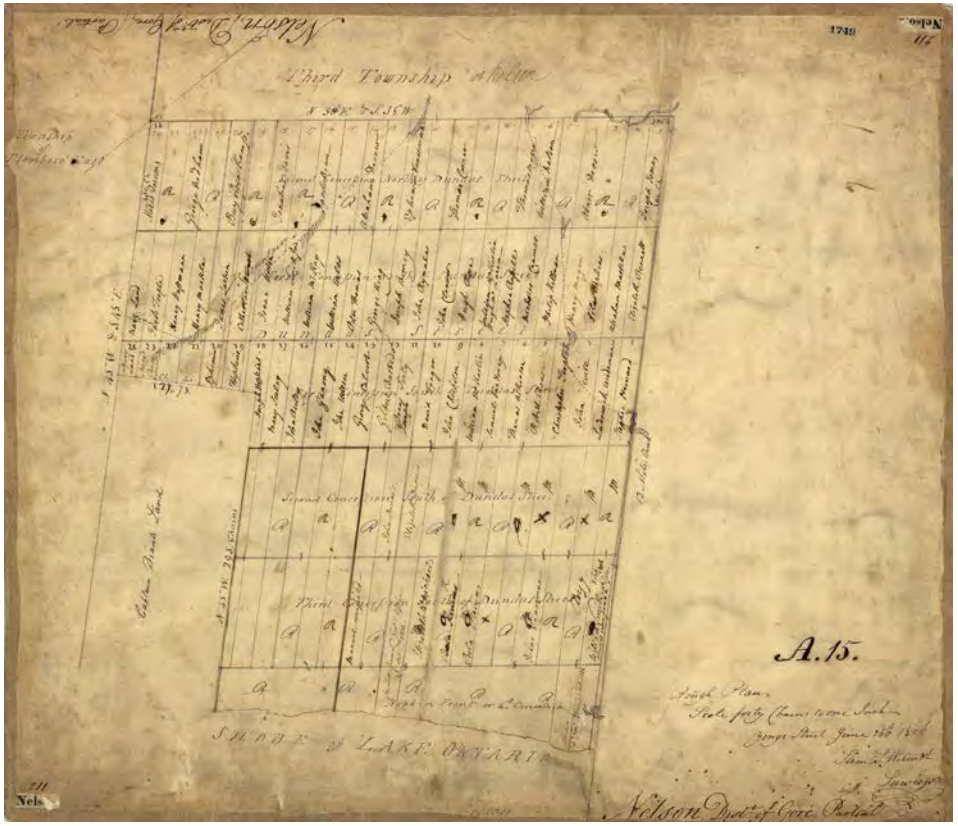


Tremaine's Map of the County of Halton, Canada West, Tremaine, George R. 1858
Source: Halton Information Network (2022)

Halton County was created in 1816 as part of the Gore District, consisting of the township of Trafalgar, Nelson, Flamborough and Beverley. It was named after Major William Halton, secretary of the Lieutenant Governor of Upper Canada. The County is one of the largest in Upper Canada and is twenty miles long by fifteen miles wide, with several large rivers and tributaries in the area including the Twelve Mile Creek and the Sixteen Mile Creek. It is bounded to the south by Lake Ontario.

The Gore District was formed from Halton County and Wentworth County in 1816. In 1853, an Act of Parliament was passed to separate the two Counties. This resulted in Halton County retaining four Townships.

A large group of settlers began to move into the Halton Region consisting mainly of emmigrants from England, Scotland and Ireland, Loyalists and soldiers who served during the War of 1812.

HISTORICAL VALUE
TOWNSHIP OF NELSON

Nelson Township Patent 1789 Map Ontario Government Record RF 1-100
Source: Archives of Ontario (2022) http://ao.minisisinc.com/SCRIPTS/MWIMAIN.DLL/161441114/LISTINGS_DESC/REF_FILE/RG~201-100-0-0-1717?JUMP

The Township of Nelson was named after Nelson, the hero of Trafalgar. Most of the Township was owned by Joseph Brant. Joseph Brant's tract of land, also known as "Brant's Block," consists of 3,450 acres of land. Surrounding his land was the Township of Flamborough to the west and Lake Ontario to the south. The northern boundary of Brant's Block was First Concession South of Dundas Street and extended east into Lot 18.

Brant has been selling off parcels of land to early settlers who immigrated from England, Scotland and Ireland, as well as Loyalists and soldiers who served during the War of 1812. After Brant's death, 50 acres were set aside for his wife, and eight children and 338.5 acres of land were sold to James Gage. In 1810 Gage surveyed the land of what is now known as Wellington Square. With the establishment of Wellington Square, and later the City of Burlington, the land once part of the Brant's Block was sold and developed.

Brant Street looking north, Burlington, Ontario. Date unkonwn.
Source: The Burlington Historical Society. Ivan Cleaver Postcard Collection.
Accessed from Burlington Public Library.

City of Burlington

In 1873, Wellington Square and Port Nelson were amalgamated and formed a new town called Burlington. The area was a large agricultural producer The location of Burlington was also known as the head of the Lake, became an important stop along the east and west route towards the United States. Burlington is west of Toronto and east of Hamilton. Three ports were created also known as Baxter, Torrance and Bunton, which extended into the Lake between Brant and Elizabeth Street. Burlington's port made it an important port town, where timber, wheat and a variety of fruits and vegetables were transported.

By 1900, Burlington had evolved into a large farming community with a mix of farms, and cash crops of fruits and vegetables. The region became known as the "Garden of Canada". In 1915, Burlington was incorporated into a town.

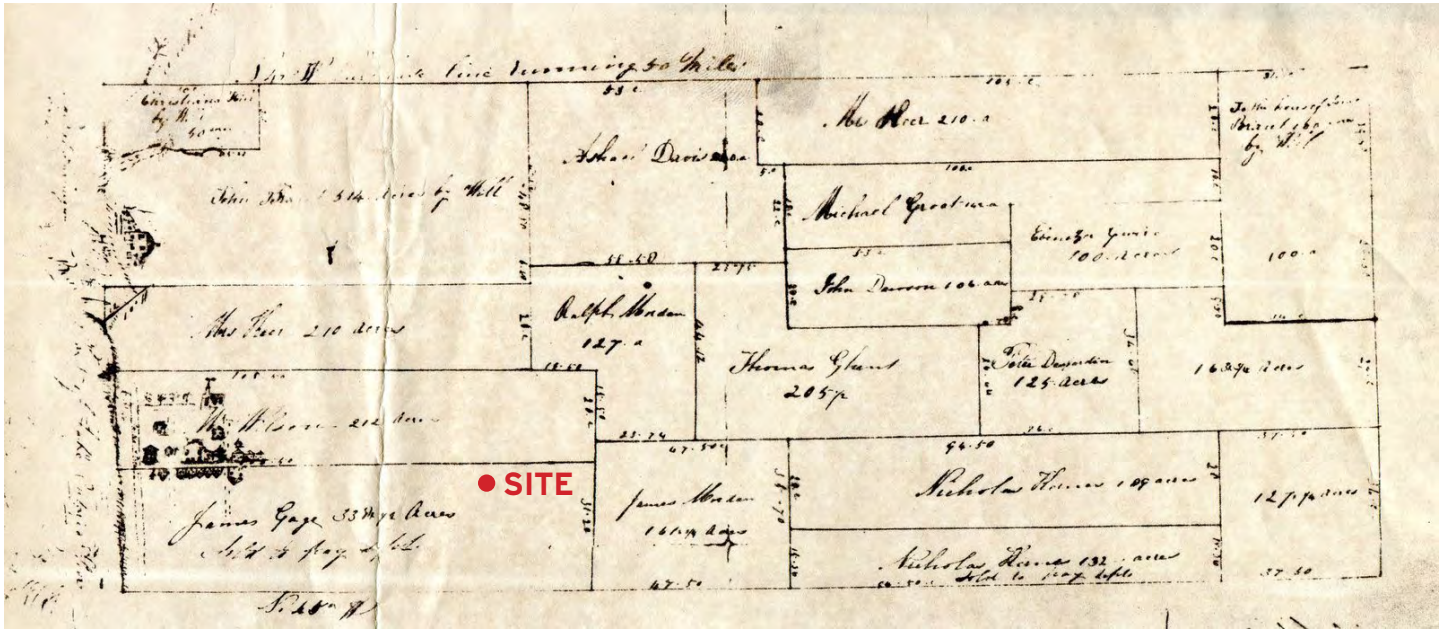
By 1974, Burlington was incorporated into City and continued to develop and grew into an urban industrial producer and manufacturer.

Chief Joseph Brant had constructed a large estate house along the north shore of the beach bar from 1802 to 1807. It overlooked a pond (also known as Brant's Pond) and was between Burlington Bay and Lake Ontario. Brant's grandson, William J. Simcoe Kerr, moved in and lived on the estate until 1875. The estate was transferred many timed and was converted into a hotel, a resort and later a hospital before being abandoned and demolished.

There are many traces of Brant's Block in the City of Burlington today. Brant, Ghent and Caroline Streets are a few streets that refer back to the early history of Brant's Block. The landscape has changed dramatically with the infill of Brant's Pond, construction of new rail lines, QEW Highway, the Skybridge that took over the sand bar and the growth of the City of Burlington, though clues to the early history of Brant's Block remain.

HISTORICAL VALUE

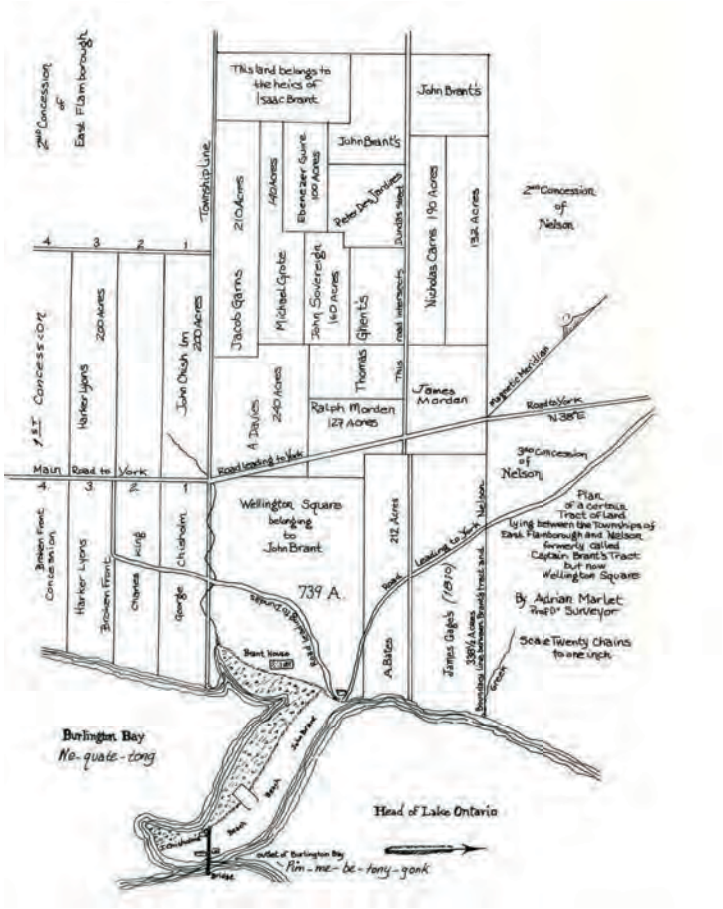
SUBJECT PROPERTY



Original Captian Brant's Military Lands 1805
Source: Halton Information Network

HISTORICAL VALUE

SUBJECT PROPERTY



Original Captian Brant's Military Lands 1814
Source: Halton Information Network https://images.halinet.on.ca/fullimage.asp?ID=57065&ifid=125138

The subject property at 795 Brant Street is located within "Brant's Block" at the northeast corner. The land was originally owned by the first nation Mississauga. In 1797, the Crown purchases the area known as Brant's Block east of Hamilton and East of the sand bar that forms Burlington Bay at the Head of the Lake, from the Mississauga's. This formed Brant Tract Treaty No. 8.

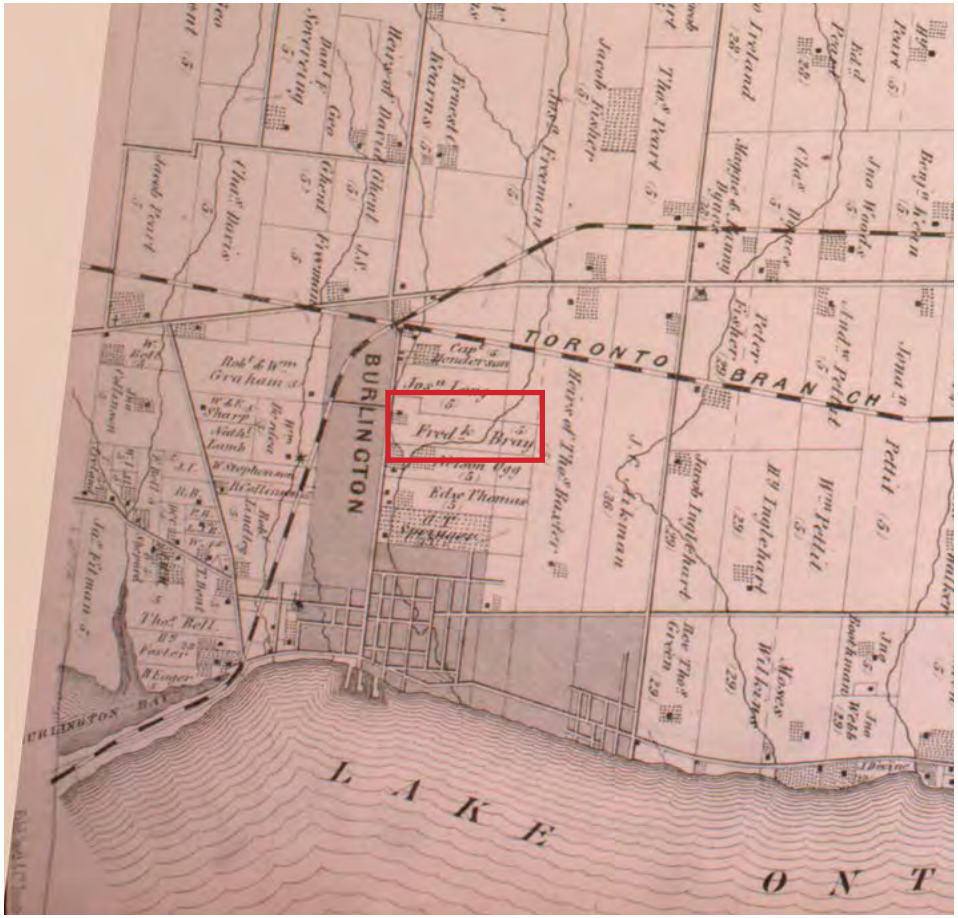
Joseph Brant surveyed and sold portions of land over time. In 1807, upon Joseph Brant's death, the properties were transferred to his wife Catherine Brant. The lot where the subject property is located was sold in 1810 to James Gage. James Gage owned 338.5 acres of land east of Augustus Bates' 212 acres.

The following Maps show the new owners of the lots after Joseph Brant's death.

HISTORICAL VALUE

SUBJECT PROPERTY

1858 Tremaine Map of the County of Halton showing Jabez Bent
Source: University of Toronto https://maps.library.utoronto.ca/hgis/countymaps/halton/index.php



1880 Map of Halton County showing Fred Bray as Owner
Source: McGill University https://digital.library.mcgill.ca/countyatlas/searchmapframes.php

HISTORICAL VALUE

SUBJECT PROPERTY

ATA has reviewed the historical summaries outlined in the previous reports, the 2022 Property Evaluations by Heritage Burlington and the report by David J. Cummings dated May 27, 2015. ATA's research of the ownership has confirmed much of this information. The following table is a breakdown of the ownership of the property from the initial Crown deed to Joseph Brant to the present.

The construction of the original Georgian style house dates from the period of Jabez Bent's ownership. Jabez and his brothers were involved in the local building trade and Jabez in particular is associated with the wall surrounding the Union Burying Grounds and the Queen's Hotel (now Queen's Head Pub).

The house has been associated with William Ghent who ran a successful farm on the site for approximately 13 years but he owned it for a relatively short time compared to the previous owners, the Bray family, or even some of the subsequent residents. Little information was found about the Bray family other than they were farmers. The Nelson Land Records also show that the property was owned briefly by the Passant family (approximately 4 years). Little information is available about Walter and his wife, but their daughter, Thelma, served during WWII as a cipher operator for a period of 2 years before she passed away at a young age.

HISTORICAL VALUE

SUBJECT PROPERTY

OWNERSHIP 795 BRANT STREET – PLAN 99, LOT 85

FROM	TO	OWNER	DESCRIPTION
	1797/1798	Crown	
1797/1798	March 17, 1810	Captain Joseph Brant	Joseph Brant was an influential military captain and diplomat. A Haudenosaunee leader, he interacted with many significant political figures on behalf of his people. Joseph was an early settler of Burlington having been granted by the Crown 3,450 acres of land at the end of his military and political career.
March 17, 1810	December 26, 1848	James Gage	James Gage was a farmer. The family settled at Stoney Creek in Township No. 7 and the farmhouse acted as a stopping place between Niagara and York until the "War of 1812", during which James and his son were members of the 5th Lincoln Militia. After the war Gage purchased 338.5 acres of Burlington Beach from the trustees of Joseph Brant's estate, this included the parcel of land on which the building is situated. Gage is credited with laying out Wellington Square, and the establishment of a number of businesses including a sawmill, shingle factory, lath and stave mills, warehouse and wharf, flour and feed mills. He sold land to his employees for houses but he stayed in Stoney Creek, his businesses in Burlington were overseen by his sons.
December 26, 1848	June 21, 1855	Gilbert Davis	Davis family was one of the first to settle the area. Son of Asahel Davis and father of Charles Gilbert Davis. One of Gilbert's daughters, Hannah Augusta, married Thaddeus Ghent and their son was Frederick Davis Ghent. Gilbert was a farmer. In Tweedsmuir History Nelson W.I. Book #3 (page 33), under the article on Lowville History it is indicated Gilbert Davis once assisted in hiding William Lyon MacKenzie, but not at this location. Rather at Davis location on the Middle Road (now the QEW)
June 21, 1855	April 8, 1859	Jabez Bent	Brick maker, builder of the house (1854) along with brothers George and James. Jabez was also involved with construction of the wall around the Union Burying Grounds and the former Queen's Hotel, now the Queen's Head Pub.
April 8, 1859	March 4, 1896	Frederick Bray	Farmers
March 4, 1896	November 19, 1909	William Ghent	The Ghent family was one of the first to settle the area. Occupied the farmhouse for 13 years and was a successful farmer. The land consisted of 53 acres when Ghent first purchased it. Ghent retires in 1909 and registers a survey that subdivides the property into smaller lots in the same year. He then sells off the parcels and farmhouse
November 19, 1909	May 20, 1919	Edward Harmon	Market gardener, fruit grower
May 20, 1919	March 18, 1922	John West and Wife	Farmer

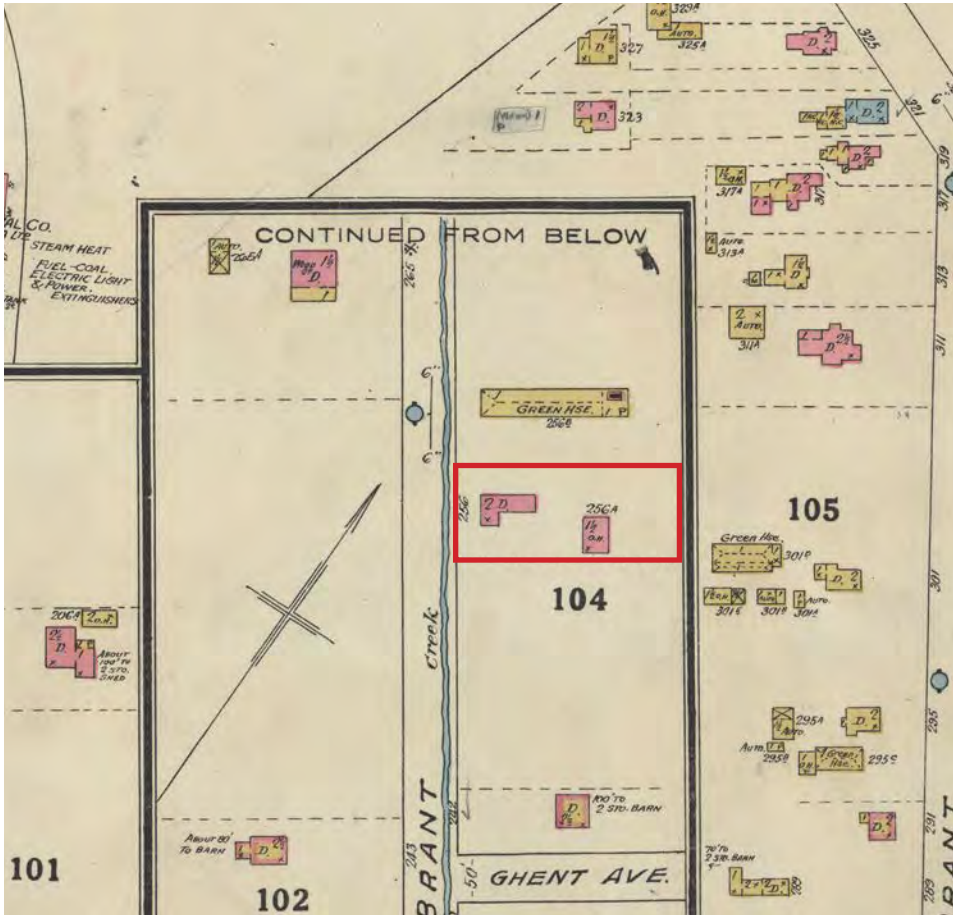
HISTORICAL VALUE

SUBJECT PROPERTY

March 18, 1922	January 18, 1924	Walter Homes/Thomas (Passant)	Passant family immigrated from Africa approximately 7 years after the birth of their daughter, Thelma, on August 11, 1915 (approx. 1922?). Indication there first residence was 16 Locust Street and by 1942 they had moved to 9 Caroline Street. The family were members of St. John's Roman Catholic Church. Thelma enlisted with the Canadian Women's Army Corp on November 4, 1942 and acted as a cipher operator coding and decoding military correspondence. She excelled in her duties and was awarded the rank of corporal. Unfortunately, Thelma fell ill and was admitted to hospital. She passed away on September 14, 1944.
February 1, 1927	November 12, 1929	John West	Farmer
November 12, 1929	September 17, 1931	William T. Sloan	
September 17, 1931	September 17, 1931	John A. McMillan	
September 17, 1931	August 31, 1972	Alphonse Brooks and Catherine C. Brooks	Last owners to use the property as a residence before it becomes used for commercial businesses
August 31, 1972	May 15, 1974	George Patrick Sweeny	
May 15, 1974	December 1, 1983	Scova Investments Limited	
December 1, 1983	February 28, 1995	Pro-Brant Group Limited	
February 28, 1995	Unknown	Khai Tuyen Ly and Donna Yik Lee	

HISTORICAL VALUE

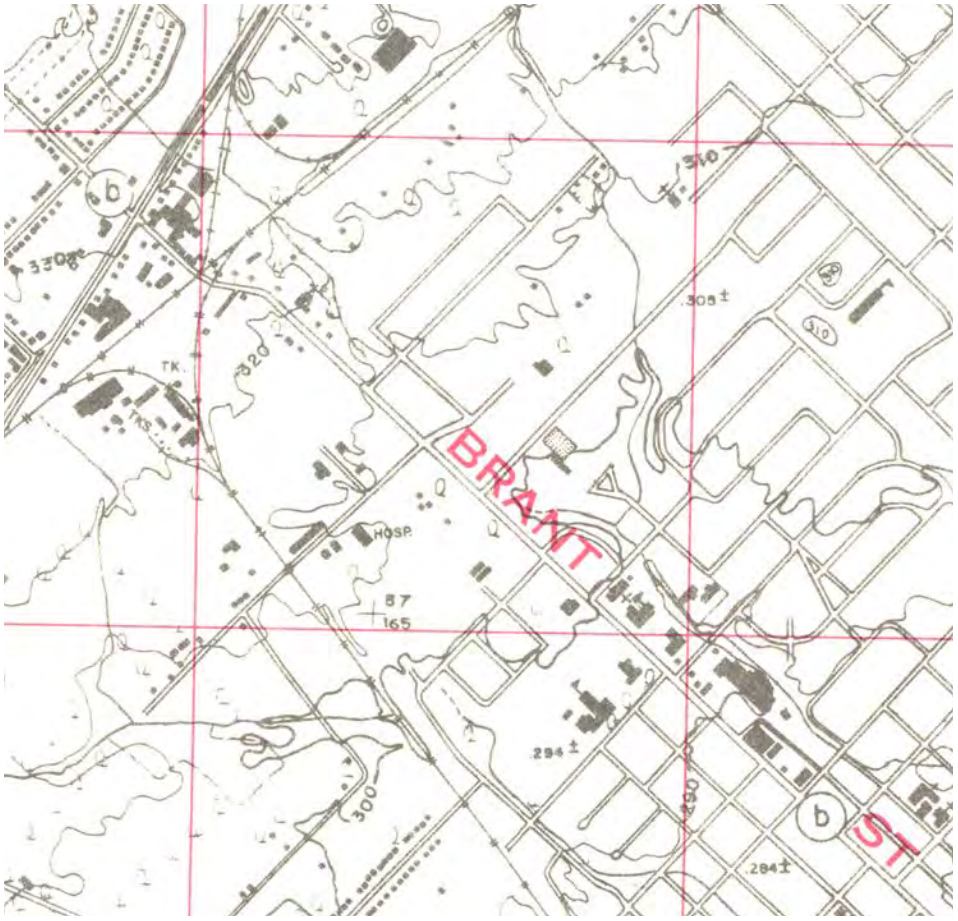
SUBJECT PROPERTY



1924 Underwriter's Survey Fire Map of 795 Brant Street showing the existing building with a back addition and a detached carriage house, Source: http://digitalarchive.mcmaster.ca/islandora/object/macrepo:66454

HISTORICAL VALUE
SUBJECT PROPERTY

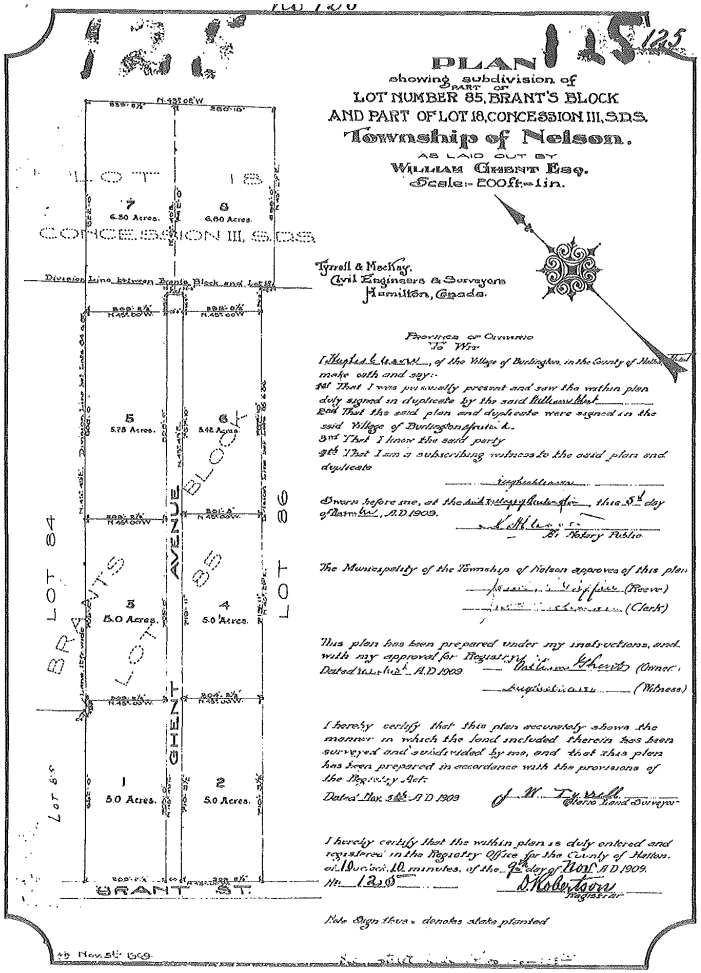
1959 Aerial Photography of Burlington showing 795 Brant Street and the initial start of Prospect Street being constructed
Source: https://digitalarchive.mcmaster.ca/islandora/object/macrepo%3A72583



1962 Burlington Historical Topographic Map
Source: http://digitalarchive.mcmaster.ca/islandora/object/macrepo%3A88428

HISTORICAL VALUE

HISTORICAL SIGNIFICANCE



William Ghent Subdivision Map shortly after the purchase of the Lot (1909)
Source: From Client, Anthony Mannington Letter for Intention to Demolish 795 Brant Street

There is some historical and associative value with the property related to

- Notable individuals from Burlington's past associated with the house,
- An association between the house and Burlington's agrarian past,
- Associated with the Bent family, local builders who held some significance within the community

To date the house has been named "The William Ghent House" but a more accurate description would be "The Bent/Bray House". The reasoning being the Bent's were responsible for the construction of the house and the Bray's were the first to live in the house and farm the land. William purchased the land and the house subsequent to the house having been built and a successful farm established. Later, William Ghent sold the property and sold Lots 18 and 85 as seen on the plan of subdivision on the left.

HISTORICAL VALUE

EVALUATION OF HISTORICAL/
ASSOCIATIVE VALUE

Address: 795 Brant Street, Burlington, Ontario Date: September 12, 2022 | Evaluator: Jason Truelove B. Arch Sci. CAHP.

HISTORICAL OR ASSOCIATIVE VALUE	VALUE		RATIONALE
Has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community,	(Yes)	No	**LEVEL OF VALUE** E VG G F (L) N The house itself has an association to William Ghent who ran a successful farm upon the site for approximately 13 years. The property was operated as a farm for approximately 55 years after the house is believed to have been built. Farming was a significant activity within the community of Burlington as indicated in "The Garden of Canada" as it was a major fruit producer due to the soil and climate.
Yields, or has the potential to yield, information that contributes to an understanding of a community.	Yes	(No)	**LEVEL OF VALUE** E VG G F L (N) The land was subdivided into smaller lots breaking up the farm. The building has undergone a number of significant physical changes since its conversion to commercial use from a residence.
Demonstrates or reflects the work or ideas of an architect, artist, builder, designer, or theorist.	(Yes)	No	**LEVEL OF VALUE** E VG G F (L) N The property was constructed by Jabez Bent and his brothers. Jabez was a brick maker, George was a mason and James a carpenter. Jabez is also associated with the construction of the wall around the Union Burying Grounds and the Queen's Hotel (Queen's Head Pub) as a brick mason.

Rating system:
E - Excellent
VG- Very Good
G - Good
F - Fair
L - Low
N - None

789-795 Brant Street Addition and Construction of Buildings
Source: Google Earth 2022

Phasing of Construction:

1) Original House Footprint - built by Jabez Bent in 1854.

2) Addition - An early addition constructed soon after, most likely by Fredrick Bray, between 1860 and 1880 (time range based on available maps and written descriptions of the site) the addition extended the length of the home towards the west property line.

3) Addition - Date of construction unknown. A smaller addition possibly built in the early 1970s to accommodate commercial activities

4) Addition - Constructed around 1975, the addition was most likely used to accommodate commercial activities

5) 789 Brant Street - Part of the development site. Is adjacent to the subject site and was built around 1960-1970's.

6) 789 Brant Street - Garage/Shed - Date of construction relative to other additions is unknown.

Exterior View of 795 Brant Street
Source: ATA Architects Inc (2022)

ATA Architects Inc. visited the site on August 25, 2022, and September 8, 2022, reviewing in detail 795 Brant Street. The building is a 2-storey brick house, symmetrical, three-bay building with a gable roof and end chimneys. There are four distinct sections to the building. The overall condition of the existing building is fair; we reviewed the Masonry, Roof and Windows and Heritage Details.

Masonry

The original house is a solid masonry wall, possibly built on a fieldstone foundation. Currently, we cannot confirm as there is no access to a basement or crawlspace. The exterior brickwork is currently painted blue and has been painted numerous times. The building displays evidence of damage to masonry on all elevations. This includes spalling bricks, cracked bricks and damaged mortar. Contemporary repairs to the exterior brick are failing and compromising the surrounding masonry. New mortar joints are cracking and flaking off. The painted brick has caused deterioration of the exterior brickwork and may have compromised the brick's condition. It can be seen throughout the building's exterior, particularly at the rear.

Deterioration of the "water table" or drip course feature is also evident around the building, which features patches of cementitious rendering. The 'water table' is only around the original 1854 building.

Roof and Windows

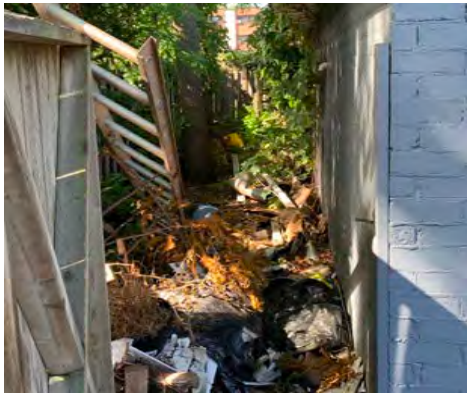
The original wood windows have been replaced with new vinyl windows. Some of the sills have been encapsulated in metal cladding/flashing, possibly to hide the deteriorated state. Some sills have been converted to brick sills, not original to the building. The bargeboard is sheathed in metal cladding, which may conceal additional deterioration.

The roof appears to be in good condition. The skylights on the building are in fair condition.

ARCHITECTURAL VALUE
CONDITION ASSESSMENT

Exterior View of 795 Brant Street
Source: ATA Architects Inc (2022)

View of West Elevation of missing brackets, typical window and existing door that is not original to the building.
Source: ATA Architects Inc (2022)



View of the South Elevation and typical brick sill not original to the house
Source: ATA Architects Inc (2022)

ARCHITECTURAL VALUE
CONDITION ASSESSMENT

View of the north elevation, infilled existing openings, new windows and area of addition
Source: ATA Architects Inc (2022)

View of East Elevation and Commercial Entrance
Source: ATA Architects Inc (2022)

Closer view of chimney addition on East Elevation
Source: ATA Architects Inc (2022)

ARCHITECTURAL VALUE
CONDITION ASSESSMENT

View of existing window converted to fire escape
Source: ATA Architects Inc (2022)

Skylights in roof
Source: ATA Architects Inc (2022)

View of overall east elevation
Source: ATA Architects Inc (2022)

View of West Elevation from across the road
Source: ATA Architects Inc (2022)

Heritage Details

The existing heritage details, such as the detailed brackets supporting the eaves, have been removed and lost, the original colonnade and front porch detail have been replaced, and the original brick detailing is lost behind the paint.

A building condition assessment is required to determine the overall condition of the building, including the brick, foundation, and roof structures. The current alteration has affected the original building. This can facilitate future mitigating measures, such as if it is a candidate for relocation.

ARCHITECTURAL VALUE

View of West Elevation of 795 Brant Street
Source: ATA Architects Inc (2022)

795 Brant Street is a 2-storey brick building in a Vernacular-Georgian Style House. There are four distinct sections.

The original house (Section 1) was built around 1854 as a two-storey brick building. The building has been used as a commercial space since the 1970s. Before its conversion, the building was a residential house.

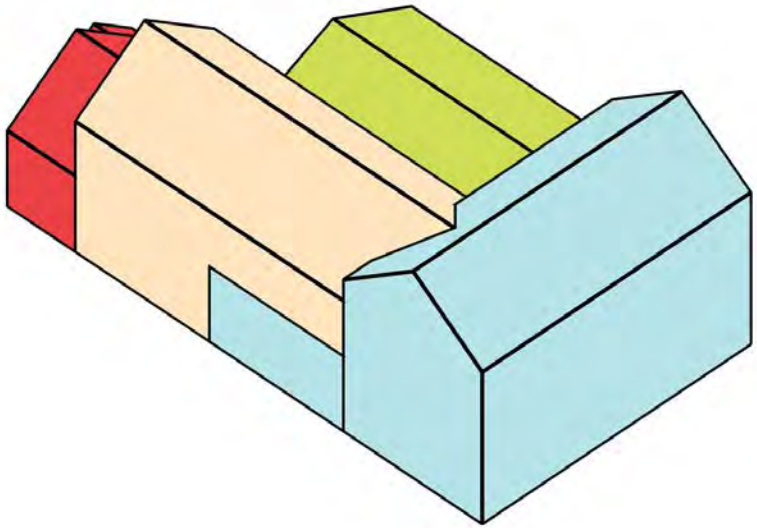
The rear addition (Section 2) of the house was built between the 1860s to 1880s. The addition appears to have been constructed in one phase from the exterior. However, further interior investigation suggests the addition maybe be a one-storey addition, to which a second storey was added. This overall footprint can be seen on the 1924 fire map. The Heritage Burlington Evaluation on March 08, 2022, listed another addition in 1921 by the West Family. However, it was difficult to determine the extent of the addition from the exterior. The interior configuration has been substantially altered and difficult to determine the extent of all additions. The modern blue paint and contemporary modification to the building greatly diminished any details.

A smaller addition (section 3) was added around the 1970s to the rear addition (section 2) to serve as a main entry to the commercial space.

The fourth edition (section 4) was built around the mid 1970s to support commercial activities. It is a one-storey addition to the rear side of the building. The new roof greatly affected the roof line of the existing building.

Section 1

The original house, facing Brant Street, was built around 1854. It was made out of brick and wood framing on a fieldstone foundation. The construction of the foundation is unknown. During our site review, there was no door leading to the basement or crawl space beneath the ground floor. It is assumed the building was built on a fieldstone foundation with wood framing and a running bond brick exterior on the east side with a chimney on the north and south side of the building and featured a gable roof. The overall house is painted blue over the original red brick. The structure is



Legend

- Section 1 - Original 1854
- Section 2 - Addition 1860s and 1880s
- Section 3 - Early 1970s
- Section 4 - Mid 1970s

Diagram of Additions at 795 Brant Street
Source: ATA Architects Inc (2022)

of standard construction methods of the time and does not demonstrate a high degree of technical or scientific achievement.

The exterior is symmetrical, mirrored along the center line of the building. It features three bays and a central door with a decorative surround. The front door, transom and surround appear not original to the home. The front porch is a concrete pad. New modern light fixtures have been surface mounted onto the front brick of the house. The front façade lacks additional details, such as a distinct entrance and quoining at the corners of the house.

The 1854 house also has a pair of brick chimneys at each end of the gable roof, with projected eaves. It appears the eaves were supported by decorative brackets that have been removed. The brackets reveal the original building brick colour to be of red tones. The windows have been replaced with modern double-hung windows. The original sills are encapsulated in metal cladding. Some have been replaced with brick sills. Above each window is a voussoir detail in brick. There were once decorative vinyl window shutters on all facades that were not original to the building. Traces of their existence are clear from the difference in paint colour.

The south side of the original house has two window openings, one on both the first and second floors. The second-floor window was converted into a fire escape.

Section 2

The rear addition of the house was built between the 1860s and 1880s. The addition appears to have been constructed in one phase from the exterior. The rear addition is also two-storeys, with the gable roof interacting with the original gable creating a cross-gable roof. The north elevation of the rear addition features a small, pitched gable above an infilled window. Two smaller window openings were created on the second floor. The window sills are made of brick, which is of a later style and not original to the addition. There are three original windows with voussoir detail in brick. Two have been infilled.

Varying Brick Sizes
Source: ATA Architects Inc (2022)

Further, inspection revealed a clear construction joint on the north façade showing the rear addition connecting to the original 1854 home. In reviewing the size of the bricks, it appears that the brick size is inconsistent. The ground floor brick is consistent. As the brick continues up to the second floor, there are courses of brick that have been reshaped to fit into the course. Large brick was used on the second floor, contrasting with the ground floor brick.

The reason for this is unknown. However, one can guess that the second floor was either rebuilt or the second floor was another addition. The original rear addition was a one-storey building and was retained with the addition of the second floor.

This new 'L' shape home can be seen and described in historical records from 1902 onwards.

Section 3

A small addition possibly from the 1970s was added onto the rear addition facing west. This new addition may have been added to facilitate a new retail entrance facing the parking lot at the rear of the site. The addition is about a one-storey brick building with a pitched gable roof. A small entrance canopy was added that covers a single door with sidelights and an arch transom. The rear windows also have flat segmented or chamber arch detail in brick and brick sills. A brick chimney is visible from the west elevation.

Section 4

The final addition infills the open area created by the 'L' shape of the original 1854 house, and the rear addition. Built around 1975, it is a brick addition with a pitched gable roof. It was constructed possibly to facilitate the commercial space. The addition has three double-hung windows and roof skylights. The brickwork is of lower quality with areas of brick deterioration. The south elevation of the final addition has no window openings.

Ground Floor Interior

The ground floor interior has been substantially altered to facilitate a commercial space, and no significant heritage attributes remain.

Unlike a traditional Georgian home, the original 1854 building is one room deep. It is divided into two spaces by the stair that has been rebuilt and altered. The main entrance facing Brant Street has been infilled on the interior side and is no longer accessible. All interior window sills, aprons and trims are not original to the building. There were no openings or doors leading to a basement or crawl space below.

A surviving fireplace is on the north side of the original 1854 building. Most of the fireplace opening has been infilled with brick, and the wood mantel is not original.

The ground floor of the rear addition was converted into a commercial reception area, washroom and change room, with a mechanical system space.

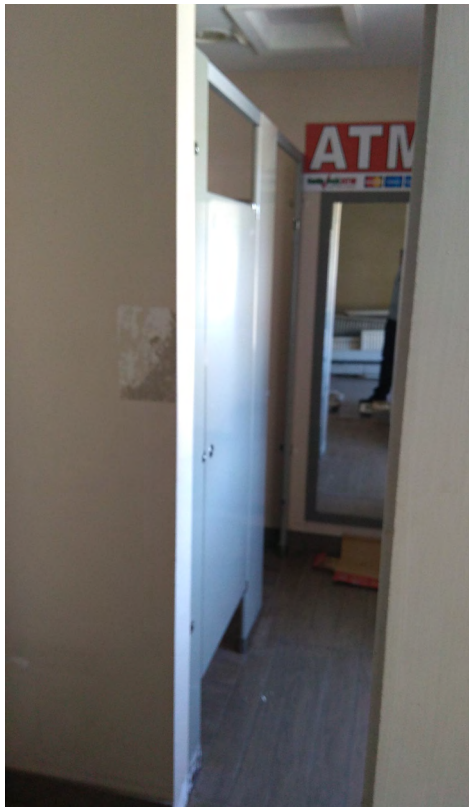
Second Floor Interior

The second floor of the building has been substantially altered to facilitate commercial space, and no significant heritage attributes remain.

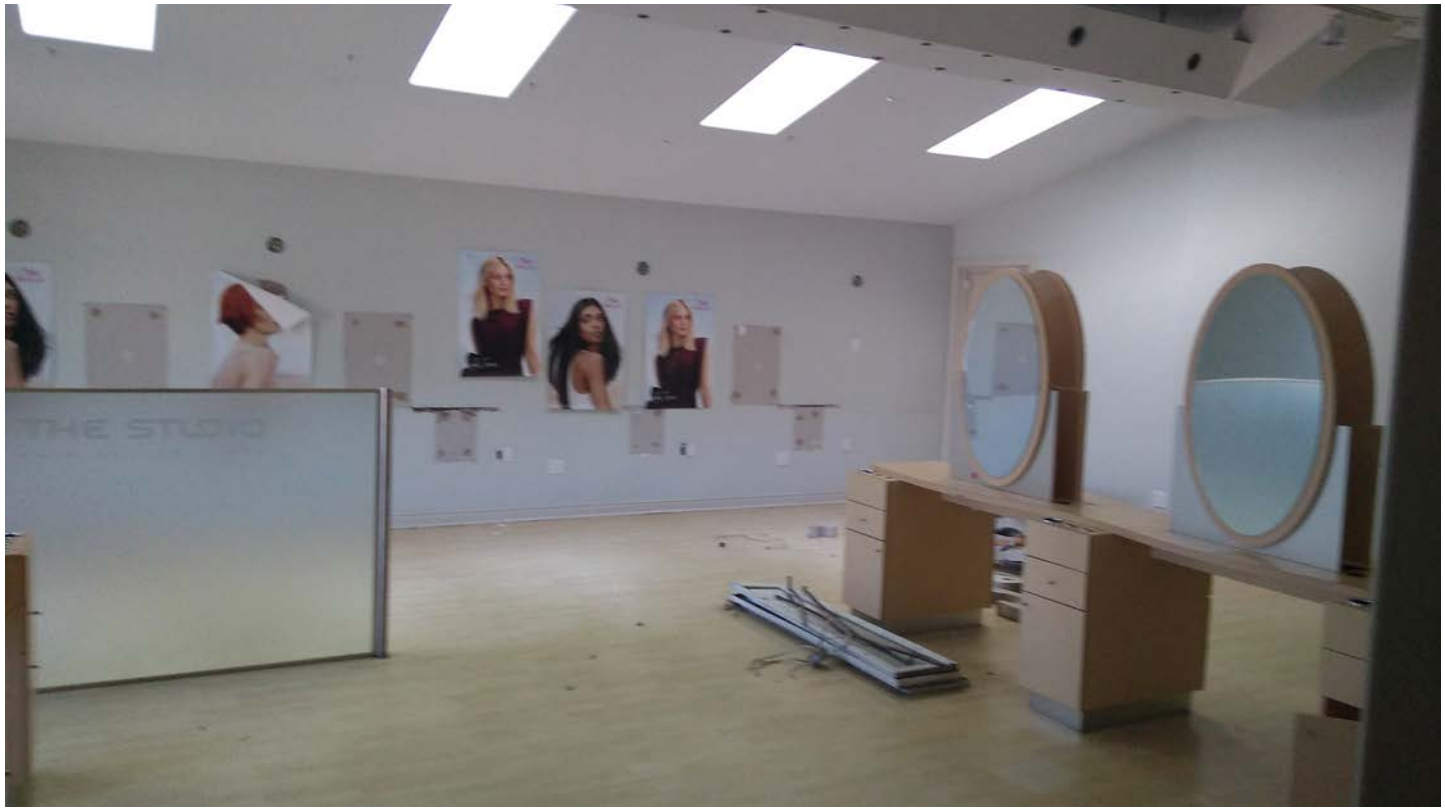
The second floor comprises offices, private rooms, staff rooms and washroom spaces. Some windows have been infilled to facilitate the 1975 addition, particularly the roof.

Interior view of front lobby of addition
Source: ATA Architects Inc (2022)

View of front commercial door leading to the rear parking
Source: ATA Architects Inc (2022)

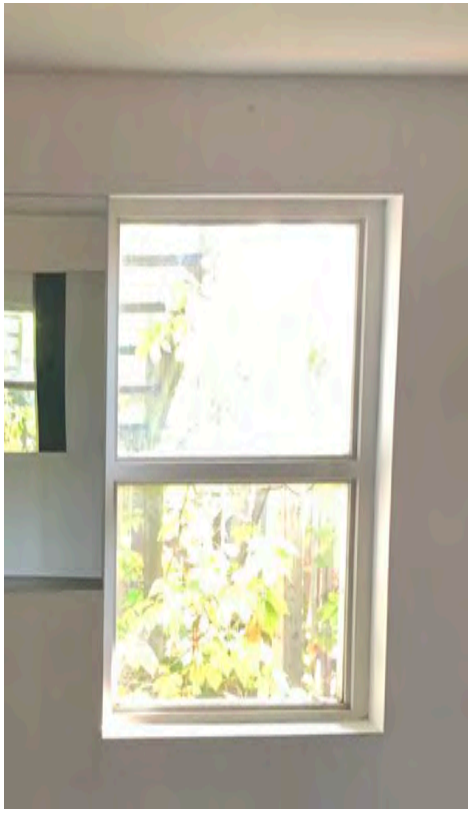


View of Interior
Source: ATA Architects Inc (2022)



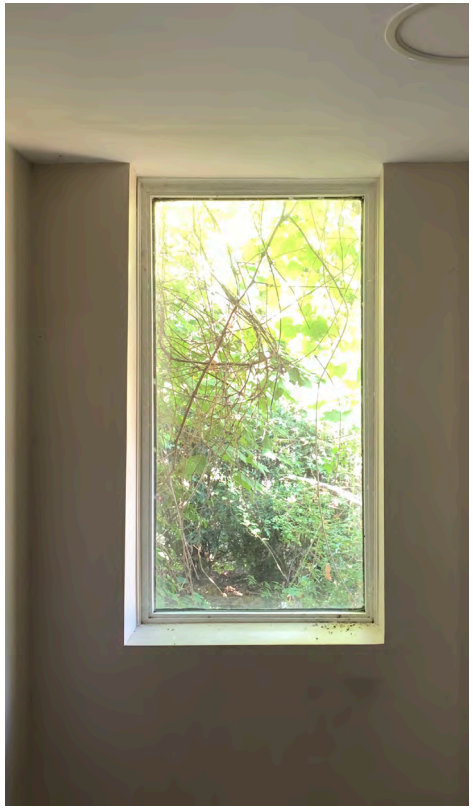
Interior view of the mid 1970s addition.
Source: ATA Architects Inc (2022)

Interior view of one room deep 1854 original house.
Source: ATA Architects Inc (2022)



Interior view of window
Source: ATA Architects Inc (2022)

View of storage room below stairs.
Source: ATA Architects Inc (2022)



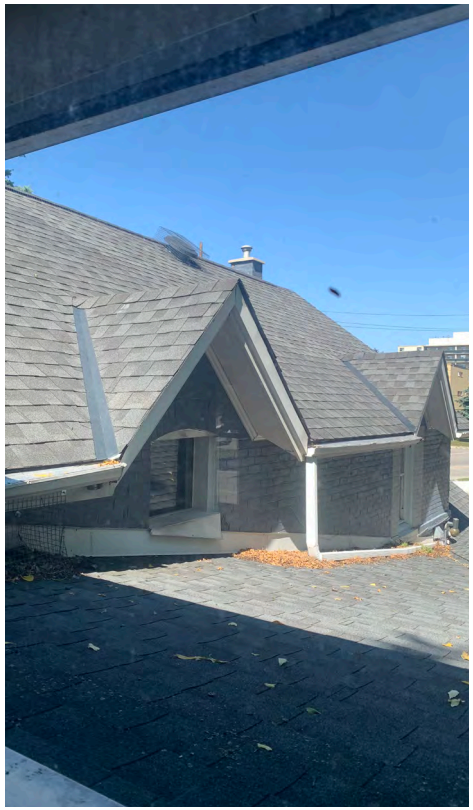
Interior view of window
Source: ATA Architects Inc (2022)

Interior view of the fireplace
Source: ATA Architects Inc (2022)

Interior view of 1860s and 1880s addition
Source: ATA Architects Inc (2022)

Interior view of second floor room in the original 1854 house
Source: ATA Architects Inc (2022)

Interior view of second floor room in the original 1854 house
Source: ATA Architects Inc (2022)



View of 1860s and 1880s addition from second floor
Source: ATA Architects Inc (2022)

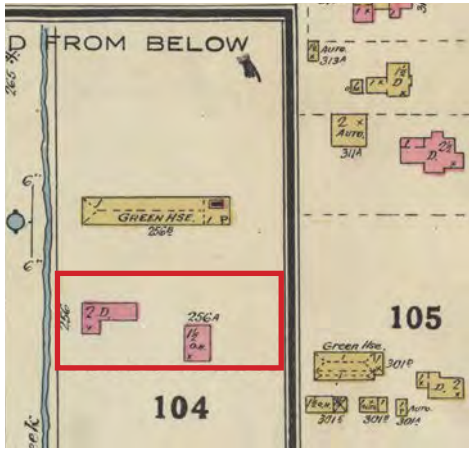
View of the original 1854 house. Rear wall is recessed and may not be original to the building.
Source: ATA Architects Inc (2022)

ARCHITECTURAL VALUE

RESIDENCE OF W. GHENT, ESQ., BURLINGTON.

Photograph of 795 Brant Street around 1902
Source: Gardens of Canada (1902?)

ARCHITECTURAL VALUE



1924 Fire Map of Burlington showing 795 Brant Street
Source: McMaster University (2022), http://digitalarchive.mcmaster.ca/islandora/object/macrepo:66454

The Fire Insurance Plan, Burlington 1924, shows the original 1854 house and 1860 rear addition on site. It appears that the building was a 2-storey brick building at the time.

A 1902 photograph depicts the structure with all ancillary buildings at the end of the driveway, set to the rear of the house as a detached structure. These include a brick drive house and a stable. A description from the book 'The Garden of Canada' describes the building as follows:

"MAPLE LODGE," RESIDENCE OF W. GHENT, ESQ.,

That very desirable property, situate on Brant Street, between Burlington Village and the G. T. R. Station, owned by William Ghent, Esq., of Freeman P.O., Ont., Canada.

The farm consists of fifty-three acres of the most choice sandy loam, all under a high state of cultivation, and is only one-half mile from Burlington Village and Lake Ontario. The land is particularly adapted for fruit or garden purposes, and only nine miles from Hamilton—the finest market in the Dominion—by G.T.R. and electric car service, car every hour.

The fruit consists of the following: Apple, pear, plum, cherry, peach, currants, berries, etc., all in good, thrifty condition, with abundance of first-class water.

The buildings consist of good nine-roomed brick house, brick drive-house and stable, frame barn and sheds; the buildings are worth at least $2,500.

The principal crops are: Tomatoes, melons, strawberries, raspberries, cabbage, cauliflower and roots of all kinds; also wheat, oats, barley, rye and clover.

The produce on Mr. W. Ghent's farm for one year is as follows: 10,000 quarts of strawberries, 3,000 quarts of raspberries, 36 tons of tomatoes, 90 tons of mangolds, 2,000 crates of melons, 12 tons of cabbages, egg plants and peppers, 800 bushels of grain; 53 bushels to the acre of wheat, oats and barley. All grain used for feed on the place. Price $10,000.

—45—

View of 795 Brant Street in 1971 by Walter Reeves
Source: Walter Reeves Fonds, The Burlington Historical Society

In reviewing the 1902 photograph and description of the property, there have been many features lost related to the property and the subject structure:

- Loss of the brick drive-house
- Loss of the brick stable
- Loss of the front yard wall and picket-fencing
- Loss of the colonnade porch at the front entrance
- Loss of the original doorway
- Loss of original two-over-two wood sash windows
- Loss of the original detail handcraft brackets supporting the eaves

List of alterations to the house

During our site visit, we have confirmed and inventoried the number of intrusive building alterations since the 1902 photographs, and site descriptions including:

- Installation of vinyl windows on all facades
- Installation of decorative window shutters on all facades
- Removal of the colonnade porch and installation of a wood door, concrete pad and detailed wood surround at the main door
- Infill of several existing window openings and cut in new windows and doors along the north and south façades.
- Covering existing windowsills in metal cladding.
- Conversion of windows to doorway openings for fire escapes on the north and south façade.
- Installation of the sky-light on the original building
- Installation of a chimney at the rear addition
- Painting of the exterior brickwork
- Interior layout has been substantially altered
- The main door has been infilled
- No access to basement or crawlspace
- Stairs have been rearranged

ARCHITECTURAL VALUE
ARCHITECTURAL SIGNIFICANCE

The building on 795 Brant Street has modest design/physical value. The building contains four distinct sections, each with different cultural heritage values. A summary of the sections is as follows:

- Section 1: a two-storey brick building in the Vernacular - Georgian architectural style constructed around 1854.
- Section 2: a two-storey brick addition built between the 1860s-1880s.
- Section 3: a one-storey brick addition built in the early 1970s
- Section 4: a one-storey brick addition built around 1975

Section 1 of the building is located towards the east and is of brick masonry and wood construction. They were constructed in 1854 using construction methods and materials indicative of the time. The building was built around the 1850s and is considered a rare built form in Ontario due to its early construction date. The remaining heritage attributes are the building's overall form, including the exterior brick structure, the three bays, pitched roof and chimney. All other heritage attributes have been removed. The front door, transom window and decorative surround are not original to the building. Other alterations to the building have been made, including removing the wood brackets at the soffit and the infill of windows and cutting new openings for doors and windows. Based on the criteria as outlined under O.Reg. 9/06 for evaluating the design and physical value of the building, it does demonstrate some significant value.

Section 2 of the building consists of a two-storey brick addition constructed between the 1860s-1880s in the typical Ontario Classic Farmhouse architectural style. Reviewing the exterior brick course shows that the original addition was a one-storey or one-and-a-half-storey and has been rebuilt to a two-storey addition. Buildings of this style are typically dated between 1860-1900. Buildings of this style are common throughout Ontario and often include modifying and updating existing homes by adding a central gable and a window. Therefore, this portion of the building has a modest design/physical value as a representative of the Ontario Class

ARCHITECTURAL VALUE
ARCHITECTURAL SIGNIFICANCE

Farmhouse architectural style and is not an early, rare, or unique built form in Ontario. The building was constructed possibly by Frederick Bray for his growing family, but there is no evidence to confirm this. Based on the criteria as outlined under O.Reg. 9/06 for evaluating the design and physical value of the building, it does not demonstrate any significant value.

Section 3 of the building consists of a one-storey brick addition constructed in the early 1970s. The addition was most likely constructed as a new entrance to the building as it was converted into a commercial space. There is no design/physical value to this addition. Based on the criteria as outlined under O.Reg. 9/06 for evaluating the design and physical value of the building, it does not demonstrate any significant value.

Section 4 of the building consists of a one-storey brick addition constructed around 1975. The addition was most likely constructed to expand the commercial space. There is no design/physical value to this addition. Based on the criteria as outlined under O.Reg. 9/06 for evaluating the design and physical value of the building, it does not demonstrate any significant value.

Based on the criteria outlined under O.Reg. 9/06, the building at 795 Brant Street does demonstrate some minimal significant design or physical value. The cumulative changes and loss of architectural details and heritage attributes are substantial and have harmed the heritage integrity of the structure.

ARCHITECTURAL VALUE

EVALUATION OF DESIGN/PHYSICAL VALUE

Address: 795 Brant Street, Burlington, Ontario Date: September 12, 2022 | Evaluator: Jason Truelove B. Arch Sci. CAHP.

DESIGN/PHYSICAL VALUE	VALUE		RATIONALE
Is a rare, unique, representative or early example of a style, type, expression, material or construction method	(YES)	NO	**LEVEL OF VALUE** E VG G F (L) N Section 1, the original 1854 house, is an example of a Vernacular Georgian architectural style. The building was built around the 1850s and is considered a rare built form in Ontario due to its early construction date. The rear addition is an example of the Ontario Classic Farmhouse architectural style. The addition is not an early, rare, or unique built form in Ontario.
Displays a high degree of craftsmanship or artistic merit	YES	(NO)	**LEVEL OF VALUE** E VG G F L (N) The construction method and materials used for both section 1 and 2 was indicative of the time. Decorative elements and details such as the brickwork, colonnade porch at the front entrance, the front door and transom, and handcraft brackets supporting the eaves have been removed and created a fairly plain and understated building.
Demonstrates a high degree of technical or scientific achievement.	YES	(NO)	**LEVEL OF VALUE** E VG G F L (N) The construction of the building and the additions is fairly standard, using common techniques and materials for the period. Alterations have been made to the building over the years, but nothing shows a high degree of technical or scientific achievement.

Rating system:
E - Excellent
VG- Very Good
G - Good
F - Fair
L - Low
N - None

CONTEXTUAL VALUE
795 BRANT STREET

Streetview of East Side of Brant Street. Left to Right: 795 Brant Street, 789 Brant Street
Source: ATA Architects Inc. (2022)

CONTEXTUAL VALUE
795 BRANT STREET

A two-storey brick building occupies the subject property at 795 Brant Street, with a large parking lot at the rear. The building faces Brant Street, and access to the parking lot is along Prospect Street. The subject property is located at Brant Street and Prospect Street.

The subject property neighbours on the south side of a two-storey residential building that was converted into a commercial space. Surrounding the subject property is low to mid-rise residential buildings, low to mid-rise commercial buildings, single-storey buildings and open brownfields. Over time, the streetscape of Brant Street and Prospect Street has evolved from single-storey residential buildings to more dense low to mid-rise residential buildings and increased its role as a retail and main commercial street in Burlington Downtown.

The subject property's context has changed significantly as the area continues to evolve and transition from a suburban neighbourhood to an urban one.

The building remains in situ and retains its orientation and relationship with Brant Street. However, the subject property has not retained its original functional components or layout as an early 19th-century agricultural farmstead as described in the 1902 "Gardens of Canada" book reference. The 1970s additions and the conversion of the building from residential to commercial use have resulted in a loss of the original circulation of the site and reoriented the entrance to the rear of the building and access off Prospect Street. Large trees of modest height screen the building. The subject property is not important in defining, maintaining, or supporting the character of the area, in particular the intersection of Brant and Prospect. The building was converted into a commercial space to better adapt to the commercial main street role of Burlington Downtown. The property does not have a significant visual or physical connection to the surrounding area. The building cannot be seen as a landmark due to its screening from the street, modest design and massing compared to the design of some of the surrounding properties. As such, the subject property no longer has contextual value.

CONTEXTUAL VALUE
795 BRANT STREET

South East Corner View of Brant Street and Prospect Street
Source: ATA Architects Inc. (2022)

CONTEXTUAL VALUE
795 BRANT STREET

North East Corner View of Brant Street and Prospect Street
Source: ATA Architects Inc. (2022)

CONTEXTUAL VALUE
795 BRANT STREET

North West Corner View of Brant Street and Prospect Street
Source: ATA Architects Inc. (2022)

CONTEXTUAL VALUE
795 BRANT STREET

South West Corner View of Brant Street and Prospect Street
Source: ATA Architects Inc. (2022)

CONTEXTUAL VALUE
795 BRANT STREET

Streetview of West Side of Brant Street.
Source: ATA Architects Inc. (2022)

CONTEXTUAL VALUE
795 BRANT STREET

Streetview of East Side of Brant Street.
Source: ATA Architects Inc. (2022)

CONTEXTUAL VALUE
795 BRANT STREET

View from Prospect Street looking towards Brant Street
Source: ATA Architects Inc. (2022)

CONTEXTUAL VALUE

EVALUATION OF CONTEXTUAL VALUE

Address: 795 Brant Street, Burlington, Ontario Date: September 12, 2022 | Evaluator: Jason Truelove B. Arch Sci. CAHP.

CONTEXTUAL VALUE	VALUE		RATIONALE
Is important in defining, maintaining, or supporting the character of an area.	YES	(NO)	**LEVEL OF VALUE** E VG G F L (N) The context around the subject property has been substantially changed as the area continues to evolve and transition
Is physically, functionally, visually, or historically linked to its surroundings.	(YES)	NO	**LEVEL OF VALUE** E VG G F (L) N The building has remained on its site in the same orientation since its construction. The site has been subdivided over the years, and all of the ancillary buildings have been lost, significantly impacting the significance of this criteria. It also does not have a significant visual or physical connection.
Is a landmark.	YES	(NO)	**LEVEL OF VALUE** E VG G F L (N) The building cannot be said to be a landmark due to its screening from the street and its modest design and massing compared to the design of some of the surrounding properties.

Rating system:
E - Excellent
VG - Very Good
G - Good
F - Fair
L - Low
N - None

Based on ATA's site visits to review the building, the historical research undertaken, and the review of past heritage assessment/staff reports, it is in the opinion of the Author that the subject property and building at 795 Brant Street, Burlington does not demonstrate significant enough historical, architectural and contextual value to warrant designation and does not meet the criteria outlined in Ontario Regulation 9/06 of the Ontario Heritage Act.

The property is directly connected to individuals of some significance; Jabez Bent, a brickmaker, who built the house along with his brothers George and James. He sold the house only after living on the property for five years to Fredrick Bray, and who then sold it to William Ghent, a fifth generation Ghent. Later, Ghent subdivided the lot in 1909.

The property can be said to be a fair example of its architectural style. Still, due to the substantial, cumulative changes and the loss of heritage attributes, significant harm has been caused to the heritage integrity of the structure. ATA has identified the following remaining heritage attributes:

Identified Heritage Attributes

- The original 1854 house with symmetrical three-bay façade
  - Original windows openings
  - Original door opening
- Pitched gabled roof
- Original two-end chimneys
- Brick detailing, such as brick voussoir detail.

The property has some contextual value due to its remaining in-situ and retains its orientation and relationship with Brant Street. The loss of the building or retention of the building would not negatively impact the area's character as the surrounding context does not support the building. It cannot be said that the building is a landmark; its screening from the street, modest design and massing compared to the design of some of the surrounding properties do not visually stand out.

It is recommended that no further action be taken concerning the designation of the subject property under Part IV of the Ontario Heritage Act.

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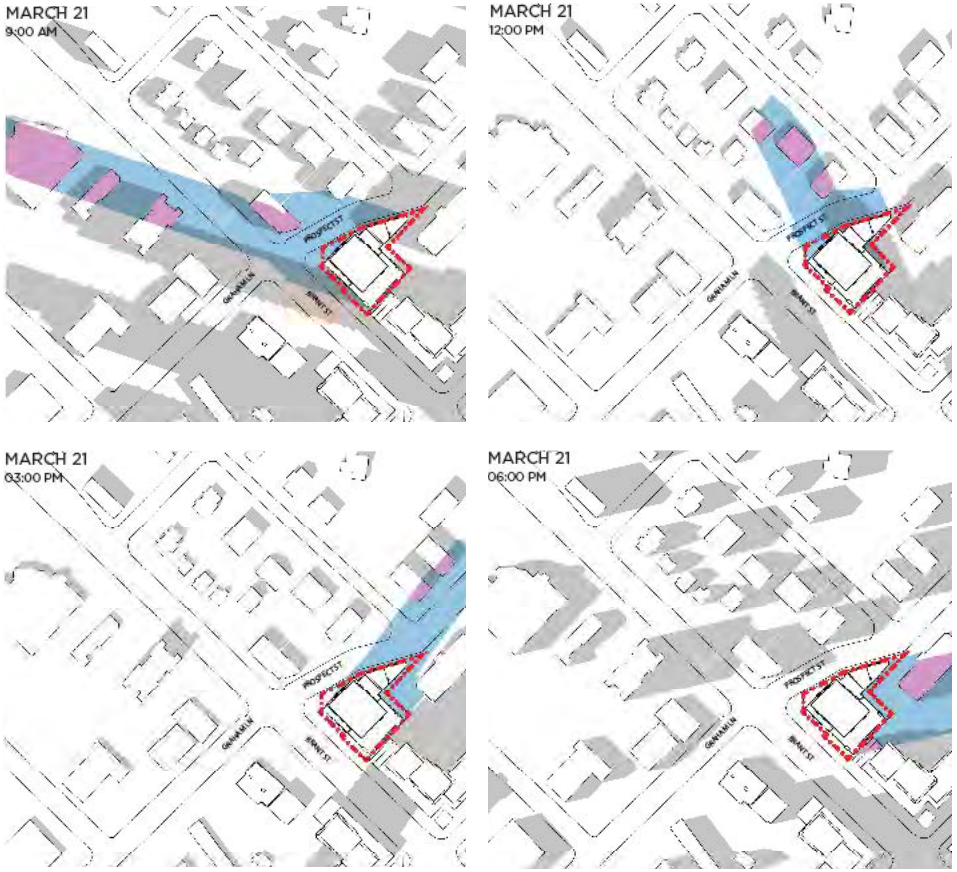
PROPOSED DEVELOPMENT
DESCRIPTION OF PROPOSED DEVELOPMENT
MITIGATING MEASURES
RECOMMENDATIONS & CONCLUSIONS

DESCRIPTION OF PROPOSED DEVELOPMENT

Rendering of Proposed Development at 789, 795 Brant Street
Source: Prepared by RAW. Provided by Owner. (2022)

DESCRIPTION OF PROPOSED DEVELOPMENT



Shadow Study of proposed building, March 21st
Source: Prepared by RAW. Provided by Owner. (2022)

The property owner is proposing to replace the existing 2-storey detached house on 789 and 795 Brant Street with a new 31-storey mixed-use building, that will provide 485m2 of commercial retail space on the ground floor, facing the street, and 354 residential units above. 3 floors of underground parking are proposed below with a total area of 6,573m2 (70,752 sq ft.) housing 279 vehicular parking spaces and 186 bicycle spaces. The Total Gross Floor Area (GFA) of the building is 30,637m2 (329,774 sq ft).

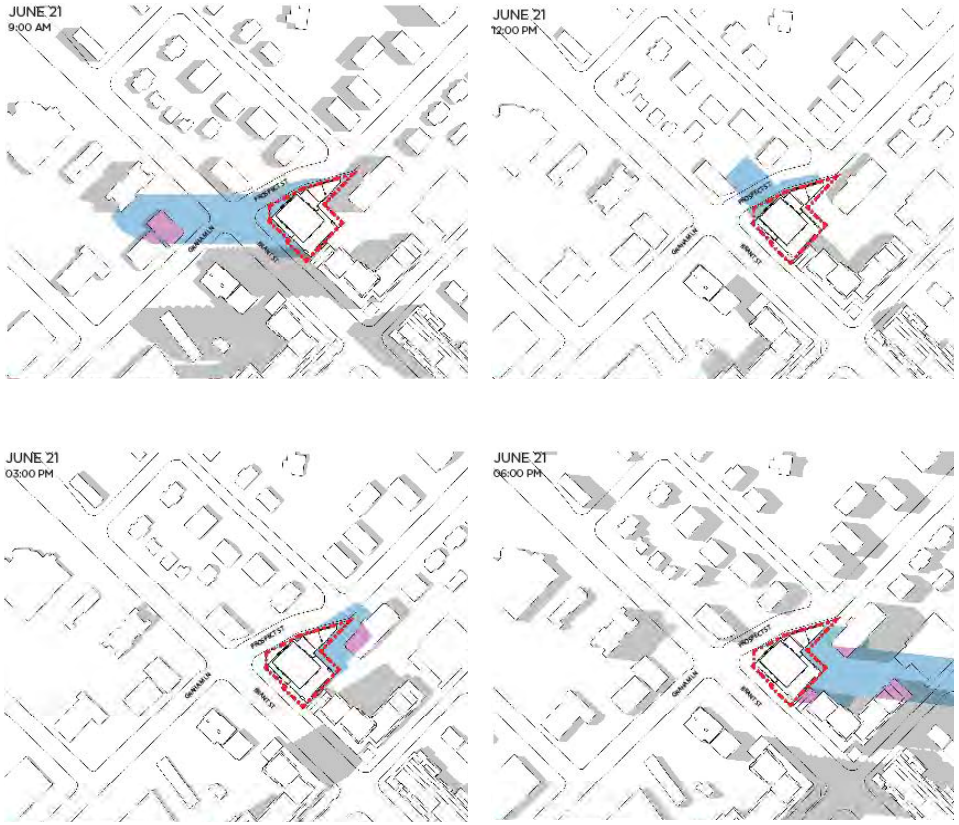
Given the proposed building footprint it is not possible to retain the existing buildings on the site. To address this, the development is seeking to incorporate elements of the residential and surrounding buildings such as:

- Use of materials
- Design elements and style of the exterior envelope
- Continuing the context of the street

Unless a nearby open space was to become available it would not be possible to relocate the houses to a different site yet keep them within close proximity to their existing context, making relocation undesirable. Relocation of the building to another site, with the understanding of the loss of site context, is not proposed. If relocation is chosen, further structural assessment needs to be undertaken. To accommodate the new building the houses would require demolition and the careful salvage of any materials of heritage value.

The locations of each occupancy are strategic as per their use and function. The commercial retail spaces are all facing Brant Street which is appropriate given the scale and significance of the intersection. Individual town houses are also accessed from the ground floor. These homes are located on the back of the site facing Prospect Street. This creates consistency within the neighbourhood as multi-residential developments are mostly facing main roads such as Brant Street, while the surrounding neighbourhoods such as Prospect Street consist of single family homes.

DESCRIPTION OF PROPOSED DEVELOPMENT



Shadow Study of proposed building, June 21st
Source: Prepared by RAW. Provided by Owner. (2022)

A Transportation Impact Study (TIS) was examined for the proposed mixed-use residential development situated at 789 & 795 Brant Street in the City of Burlington, Halton Region. This study has been prepared in accordance with the requirements set out per Halton Region's Guidelines for TIS. The analysis undertaken herein was completed using the Draft Site Plan prepared by RAW Design dated August 17, 2022. Any minor changes to the Site Plan are not expected to materially affect the conclusions set out within this report.

Impact on the Heritage Resource(s) and Neighboring Properties:

789, 795 Brant Street, Burlington

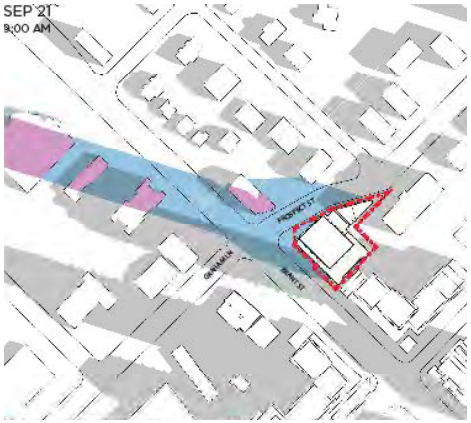
The proposed development would result in the demolition of the existing houses. The preceding Evaluation of Cultural Heritage Value or Interest has determined the loss of said building will not have a negative impact on the surrounding heritage character of the community. It is strongly recommended and encouraged that any elements of heritage value be salvaged from the home prior and during demolition.

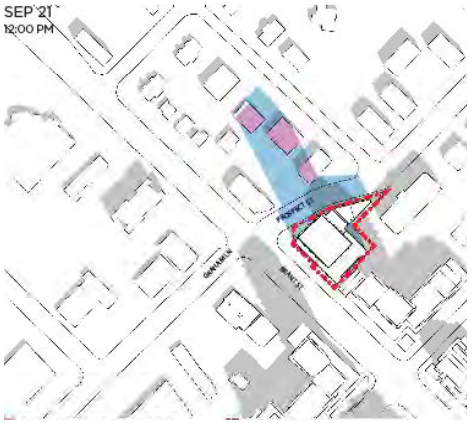
Heritage Designated and Listed Properties (closest to furthest):

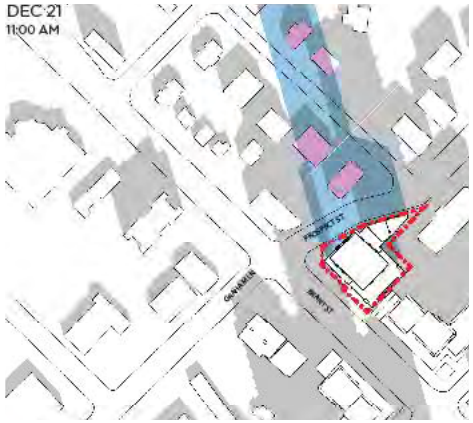
- Ogg- Blair House - 2021 Blairholm Ave
- Edwin Freeman House - 906 Brant St
- The West House - 2059 Ghent Ave

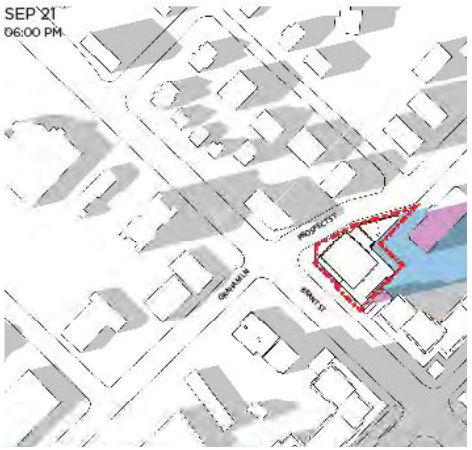
Given that the closest heritage property is the West House, the demolition would have minimal impact on any surrounding heritage buildings, due to its distant proximity to other heritage buildings. The shadow impact study also demonstrates that the shadow cast by the new proposed building does not directly affect the closest heritage sites.

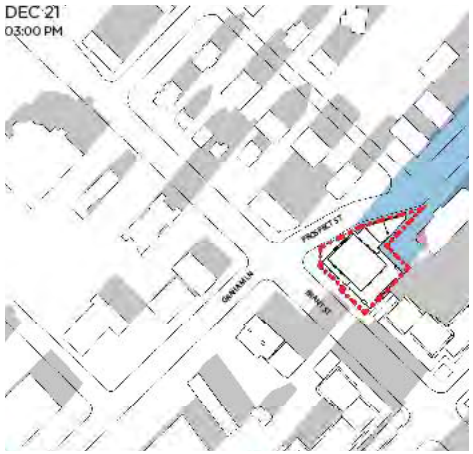
DESCRIPTION OF PROPOSED DEVELOPMENT











Shadow Study of proposed building, September 21st
Source: Prepared by RAW. Provided by Owner. (2022)

Shadow Study of proposed building, December 21st
Source: Prepared by RAW. Provided by Owner. (2022)

DESCRIPTION OF PROPOSED DEVELOPMENT

Rendering of Proposed Development at 789, 795 Brant Street
Source: Prepared by RAW. Provided by Owner. (2022)

The materiality of the proposed development at 789 and 795 Brant Street draws from that of the surrounding context. Concrete, brick and stone are prevalent materials within the immediate neighbourhood; these materials have been incorporated into proposed design helping it to fit cohesively within its context.

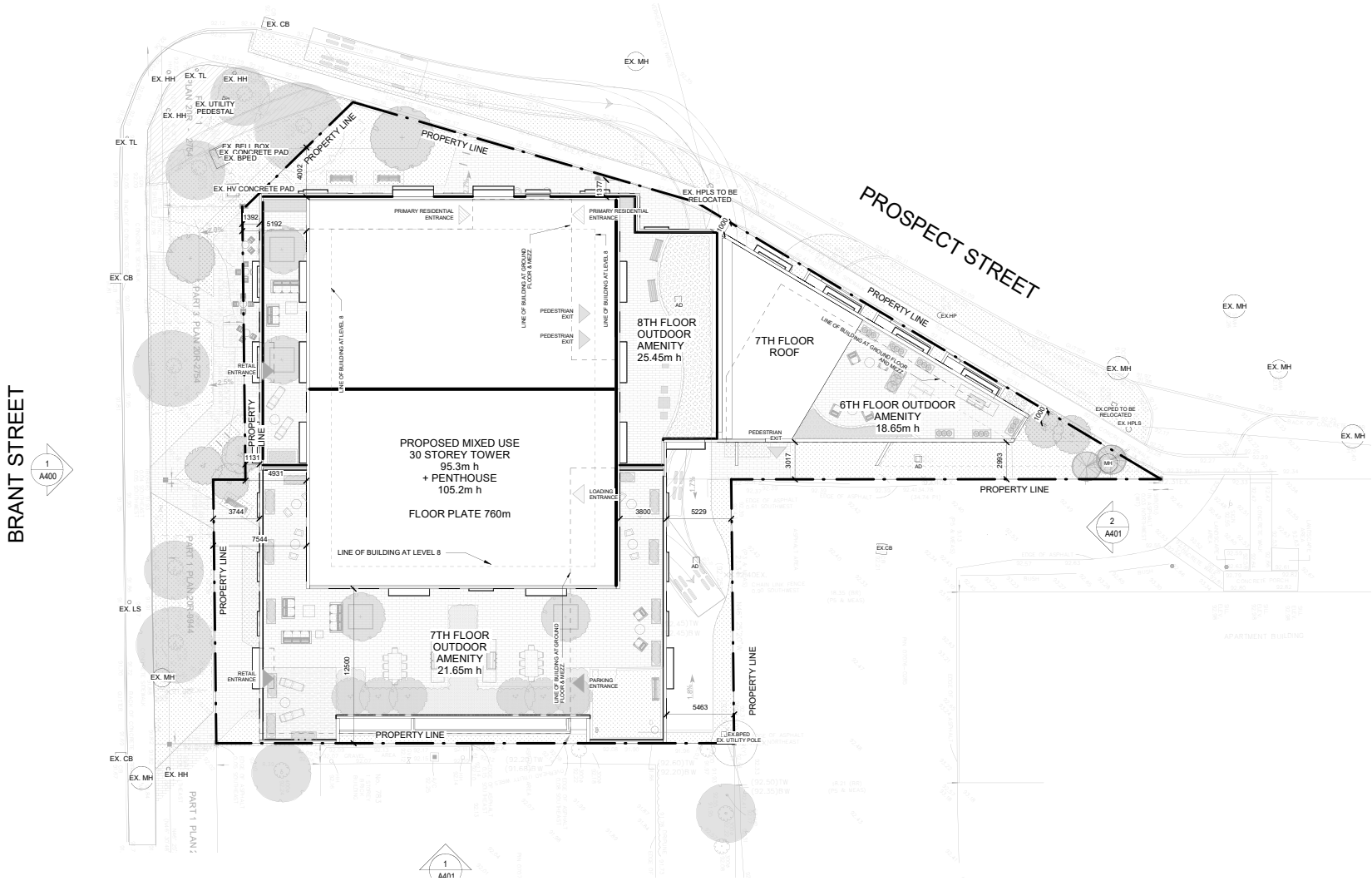
The proposed design also takes the points of access within the site into consideration. The existing access from Prospect Street at the rear of the property has been retained, allowing traffic flow to be maintained on the busier Brant Street.

With 31 storeys, the building's height is 197.5m. The location of the tallest part of the structure is facing Brant Street, where other tall structures in addition to new developments are set to arise within the upcoming year. This includes:

- 761 Brant Street (8 Storeys)
- 769 Brant Street (25 Storeys)
- 774, 778, 782 Brant Street (25 Storeys)

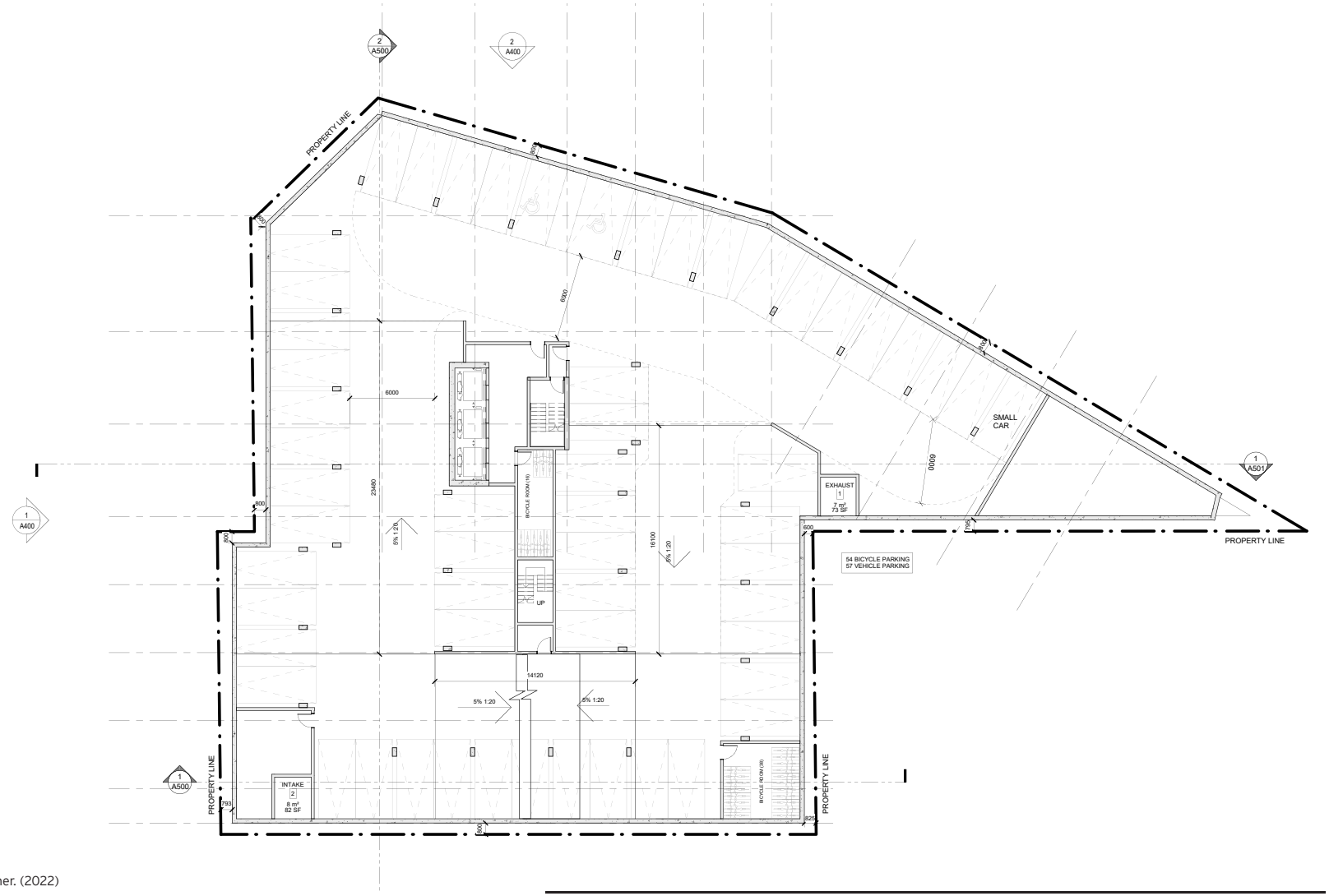
In contrast, the smaller portion of the podium that contains the town homes has been located at the back of the site, where it is in keeping with the decrease in scale in the buildings (mainly low-rise residential homes) that extend further from the main street (Brant Street).

DESCRIPTION OF PROPOSED DEVELOPMENT



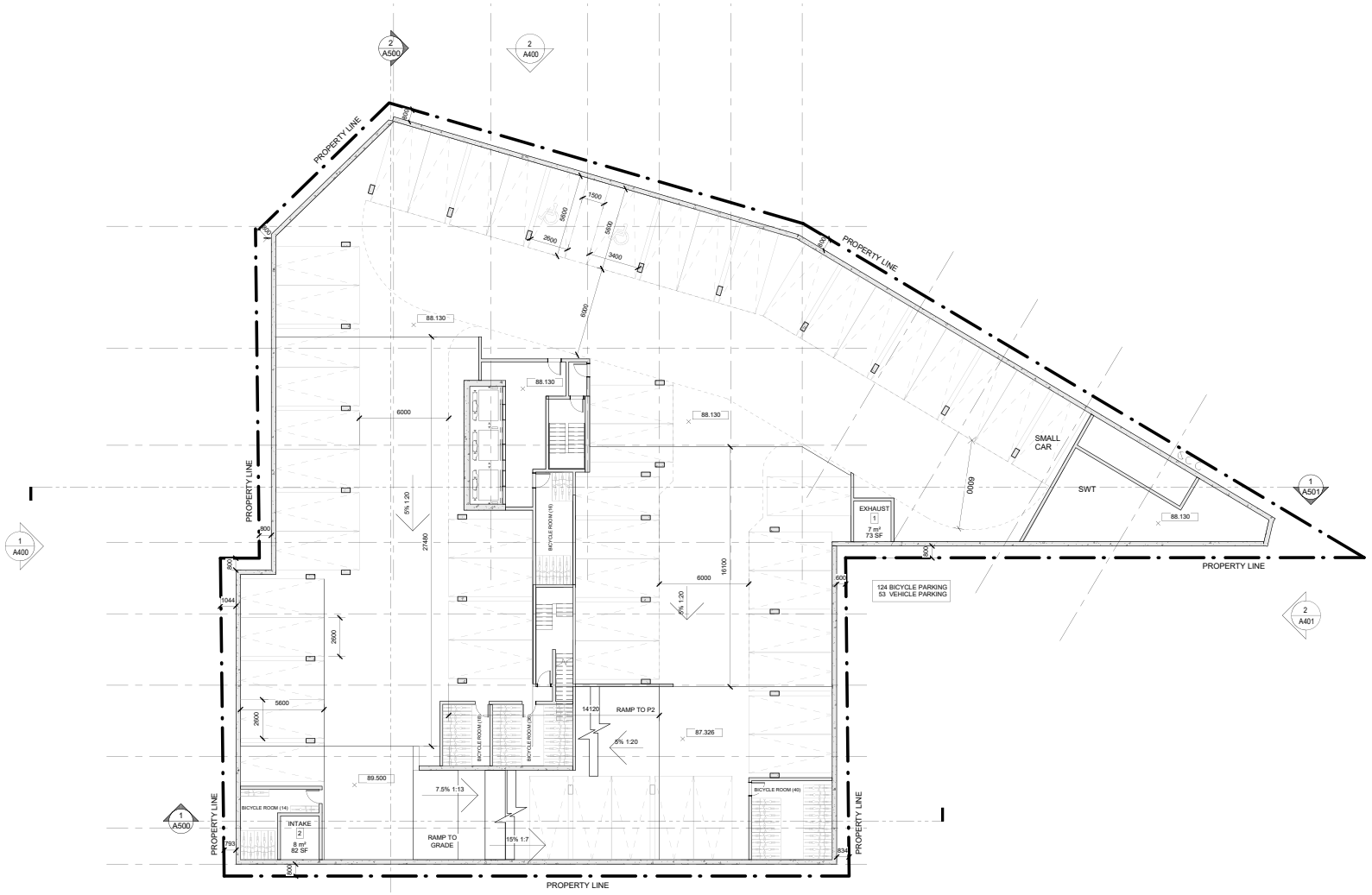
Site Plan
Source: Prepared by RAW. Provided by Owner. (2022)

DESCRIPTION OF PROPOSED
DEVELOPMENT



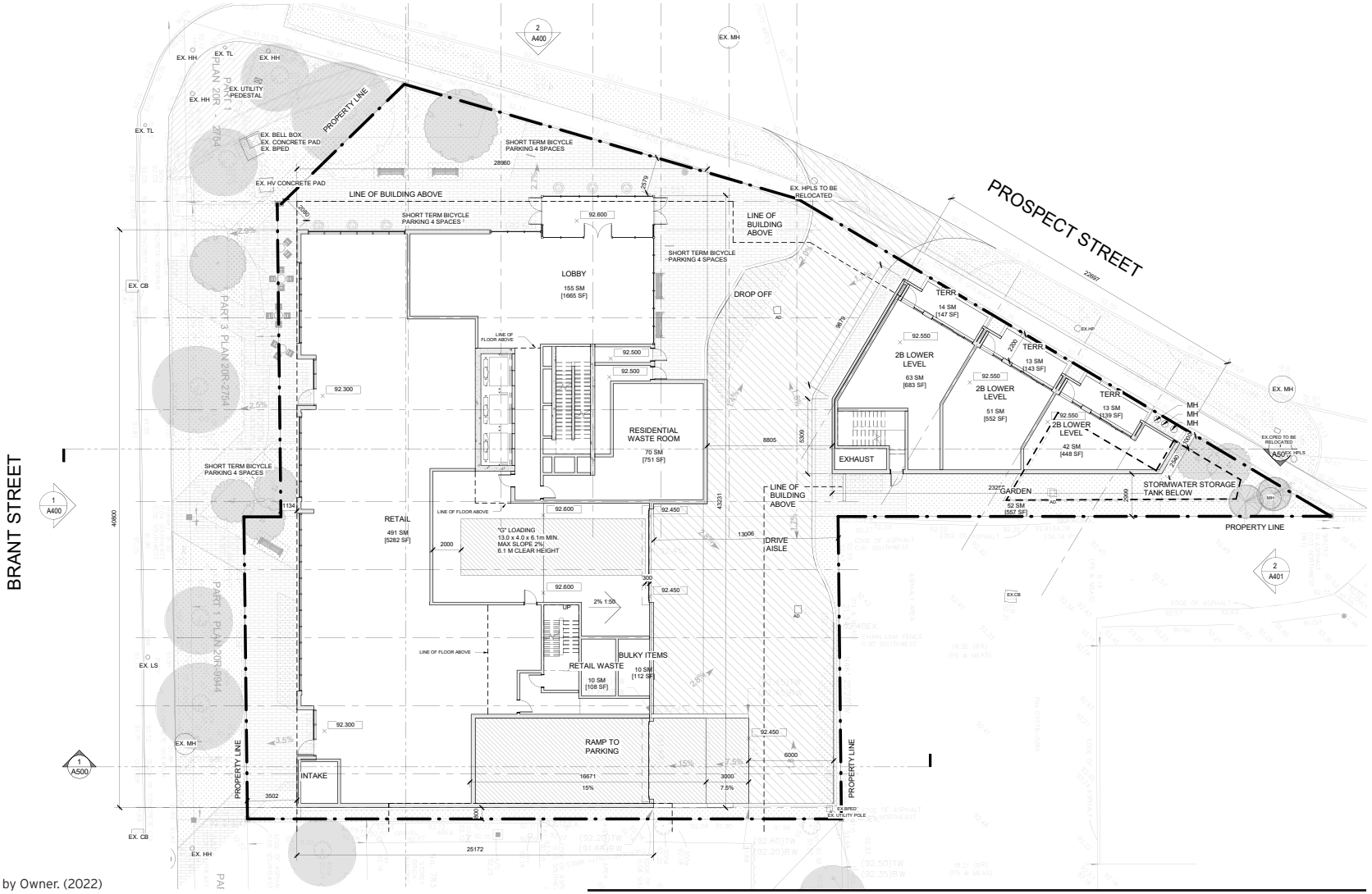
Below Grade Levels Plan - Typical
Source: Prepared by RAW. Provided by Owner. (2022)

DESCRIPTION OF PROPOSED
DEVELOPMENT



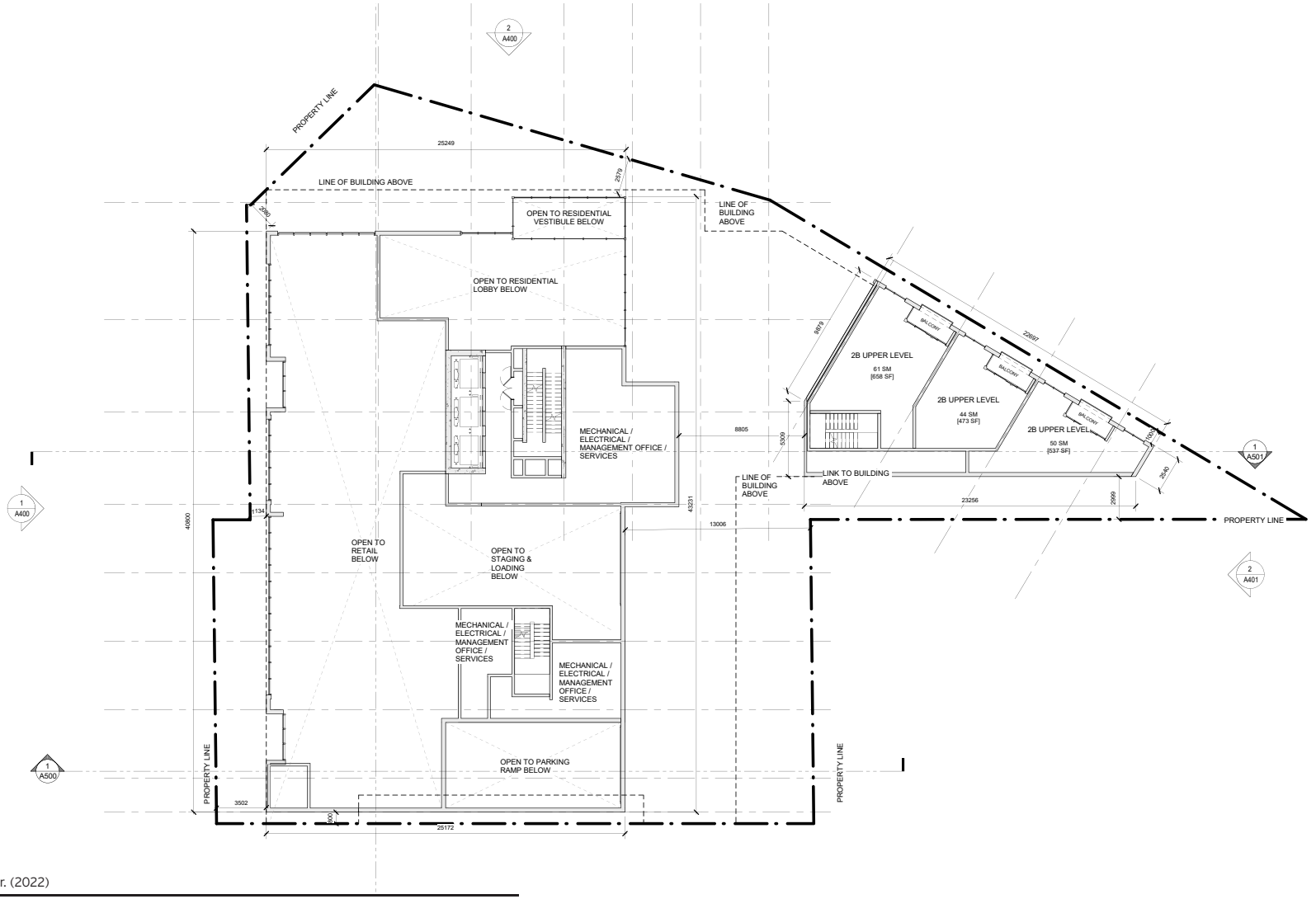
Below Grade Levels Plan - P1
Source: Prepared by RAW. Provided by Owner. (2022)

DESCRIPTION OF PROPOSED DEVELOPMENT



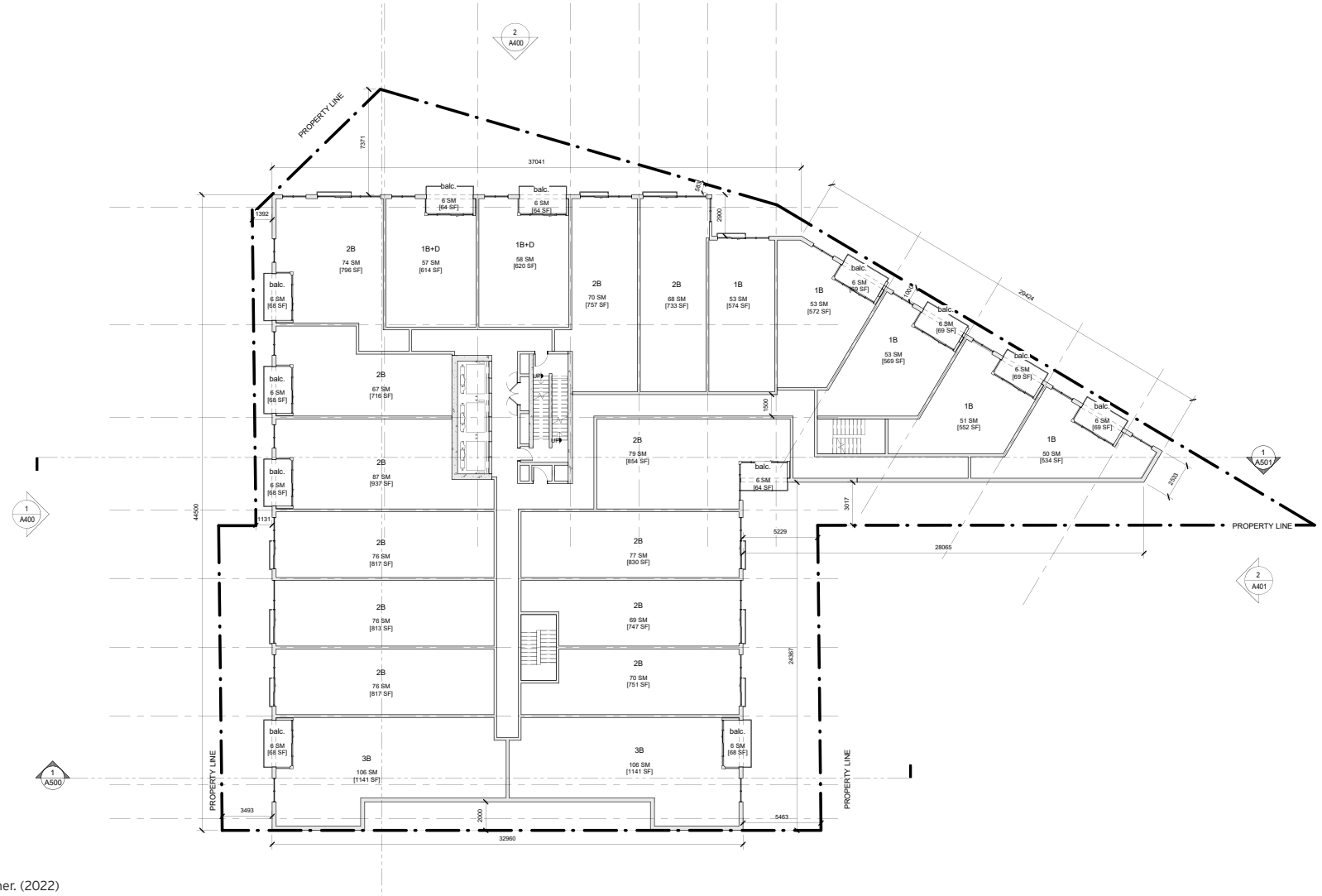
Ground Floor Plan
Source: Prepared by RAW. Provided by Owner. (2022)

DESCRIPTION OF PROPOSED
DEVELOPMENT



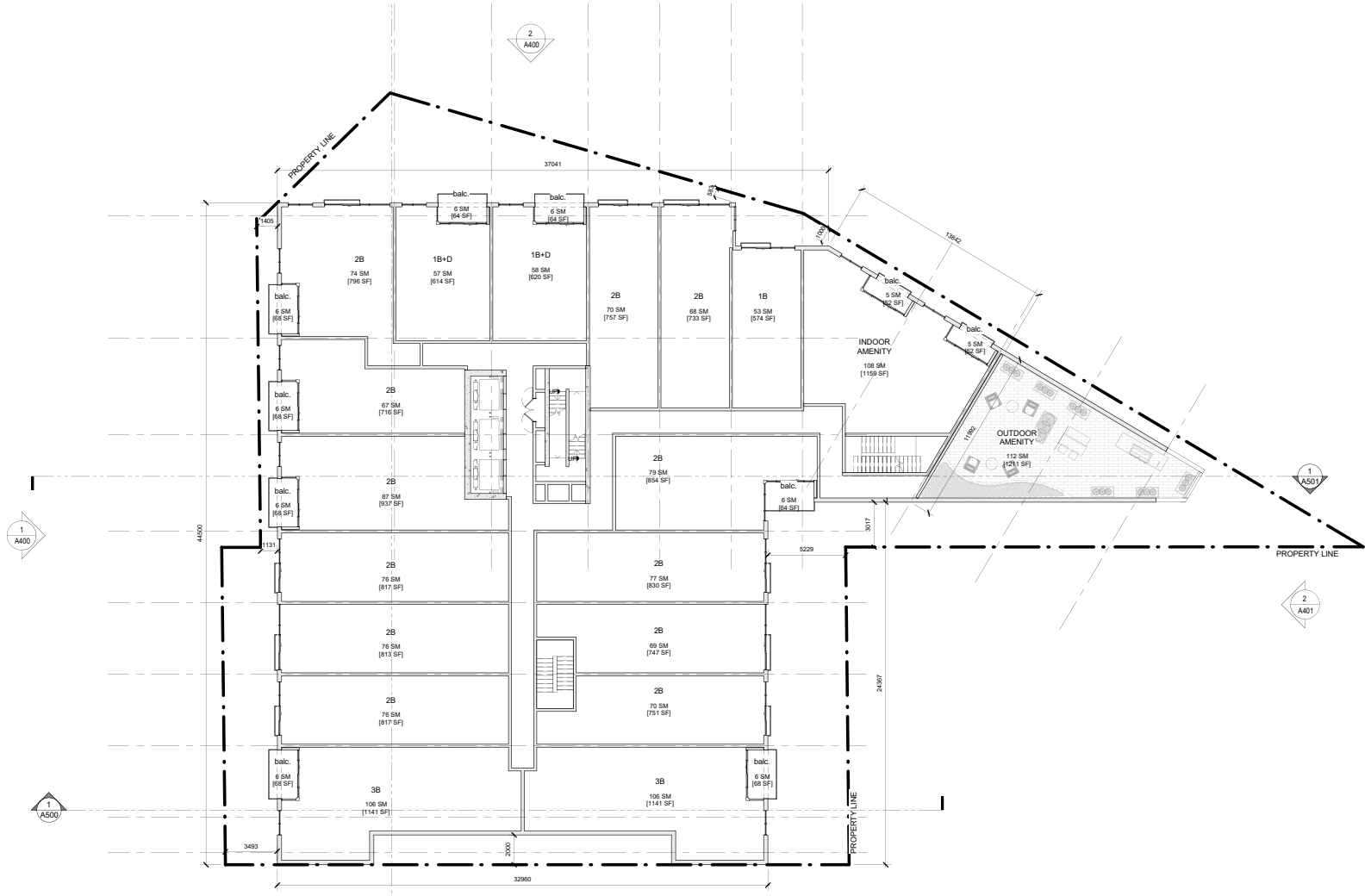
Mezzanine Floor Plan
Source: Prepared by RAW. Provided by Owner. (2022)

DESCRIPTION OF PROPOSED
DEVELOPMENT



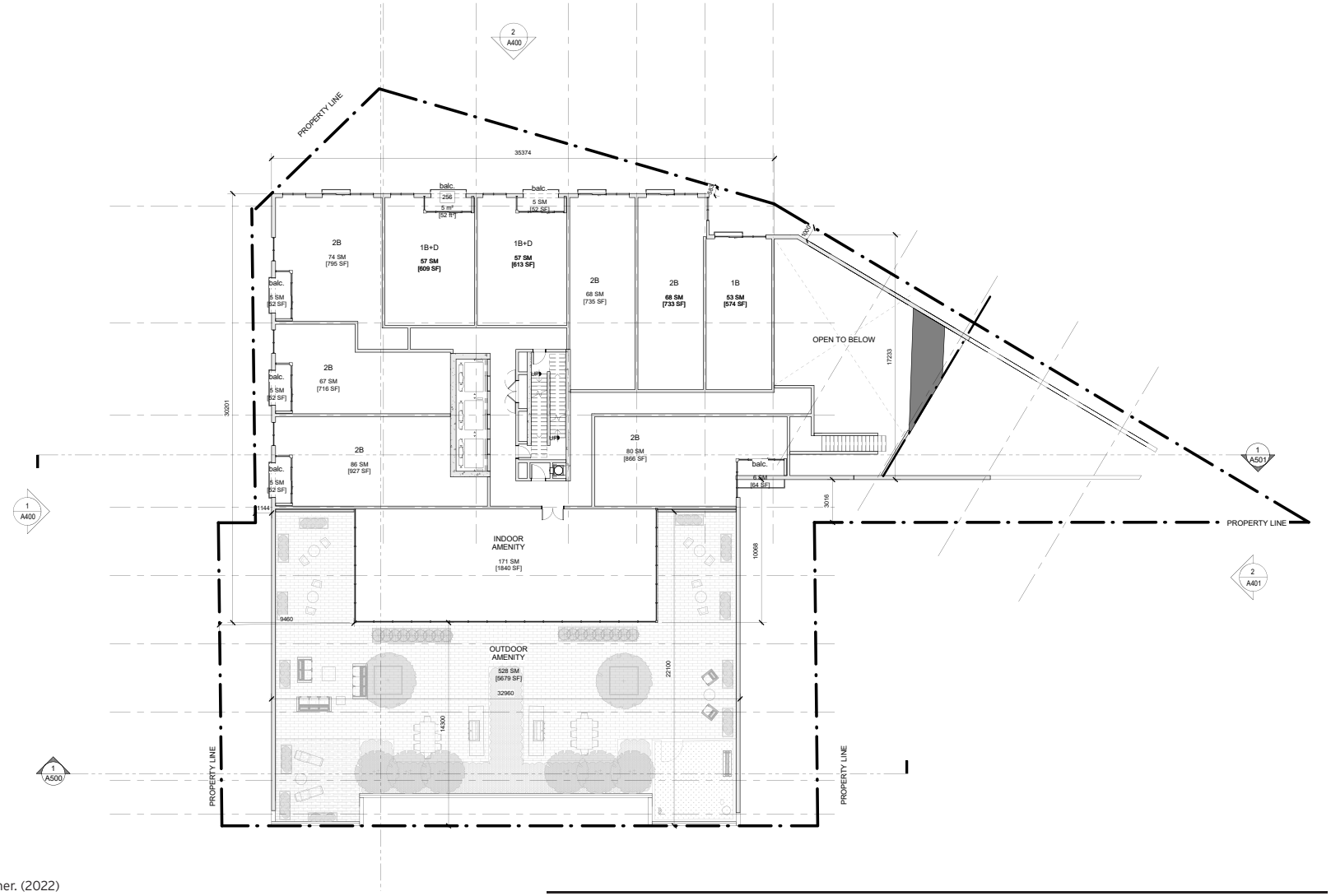
Second to Fifth Floor Plan
Source: Prepared by RAW. Provided by Owner. (2022)

DESCRIPTION OF PROPOSED DEVELOPMENT



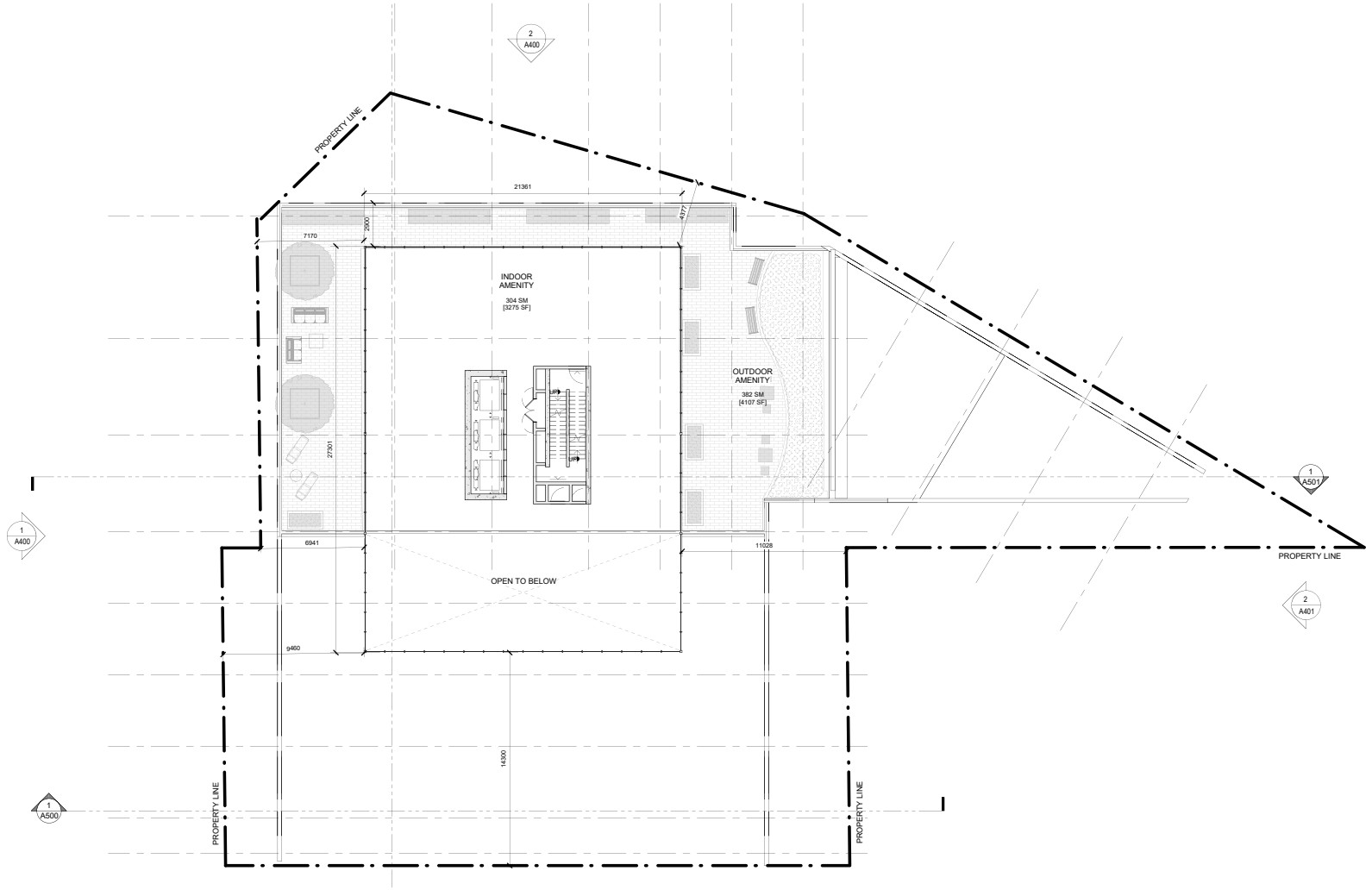
Sixth Floor Plan
Source: Prepared by RAW. Provided by Owner. (2022)

DESCRIPTION OF PROPOSED
DEVELOPMENT



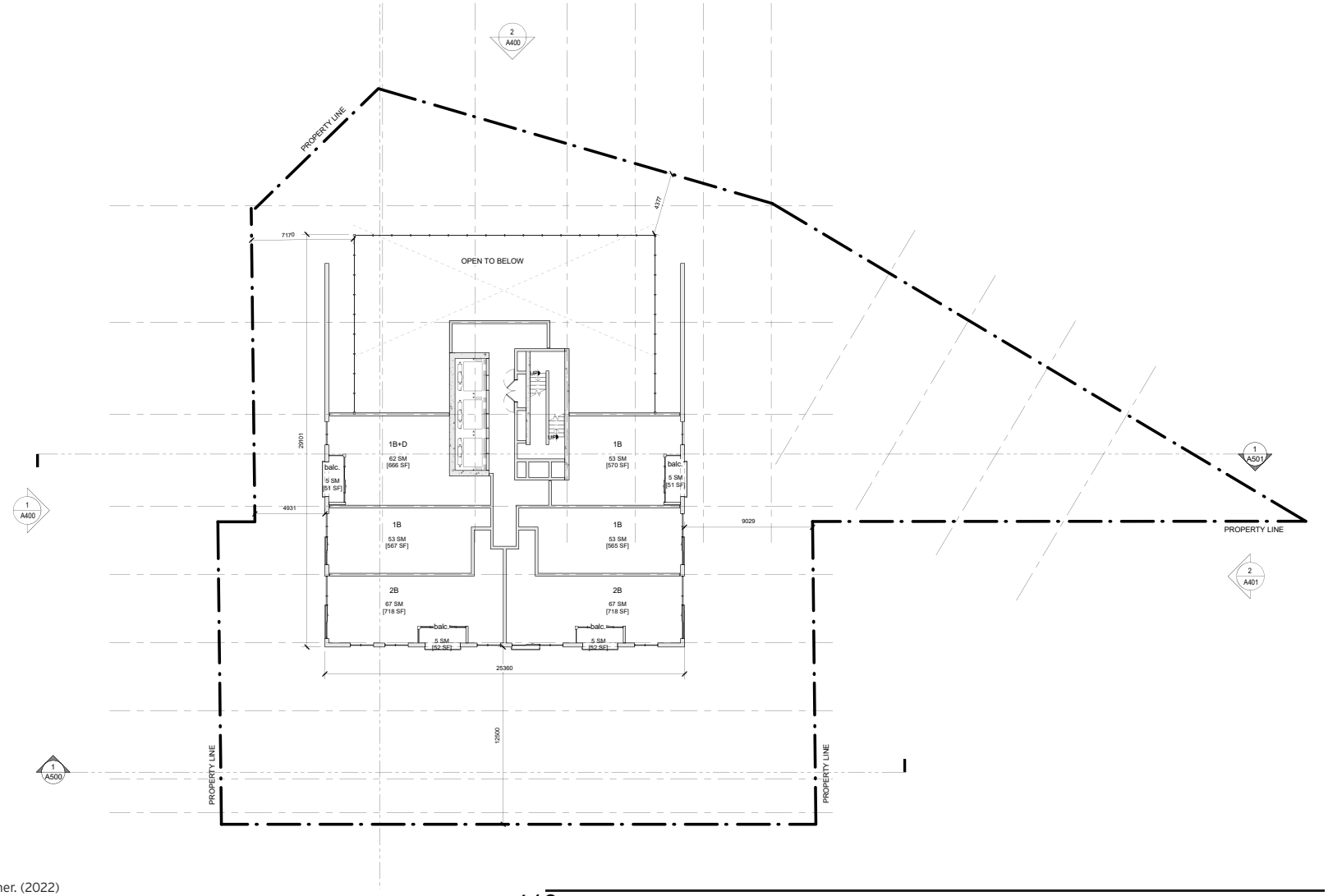
Seventh Floor Plan
Source: Prepared by RAW. Provided by Owner. (2022)

DESCRIPTION OF PROPOSED
DEVELOPMENT



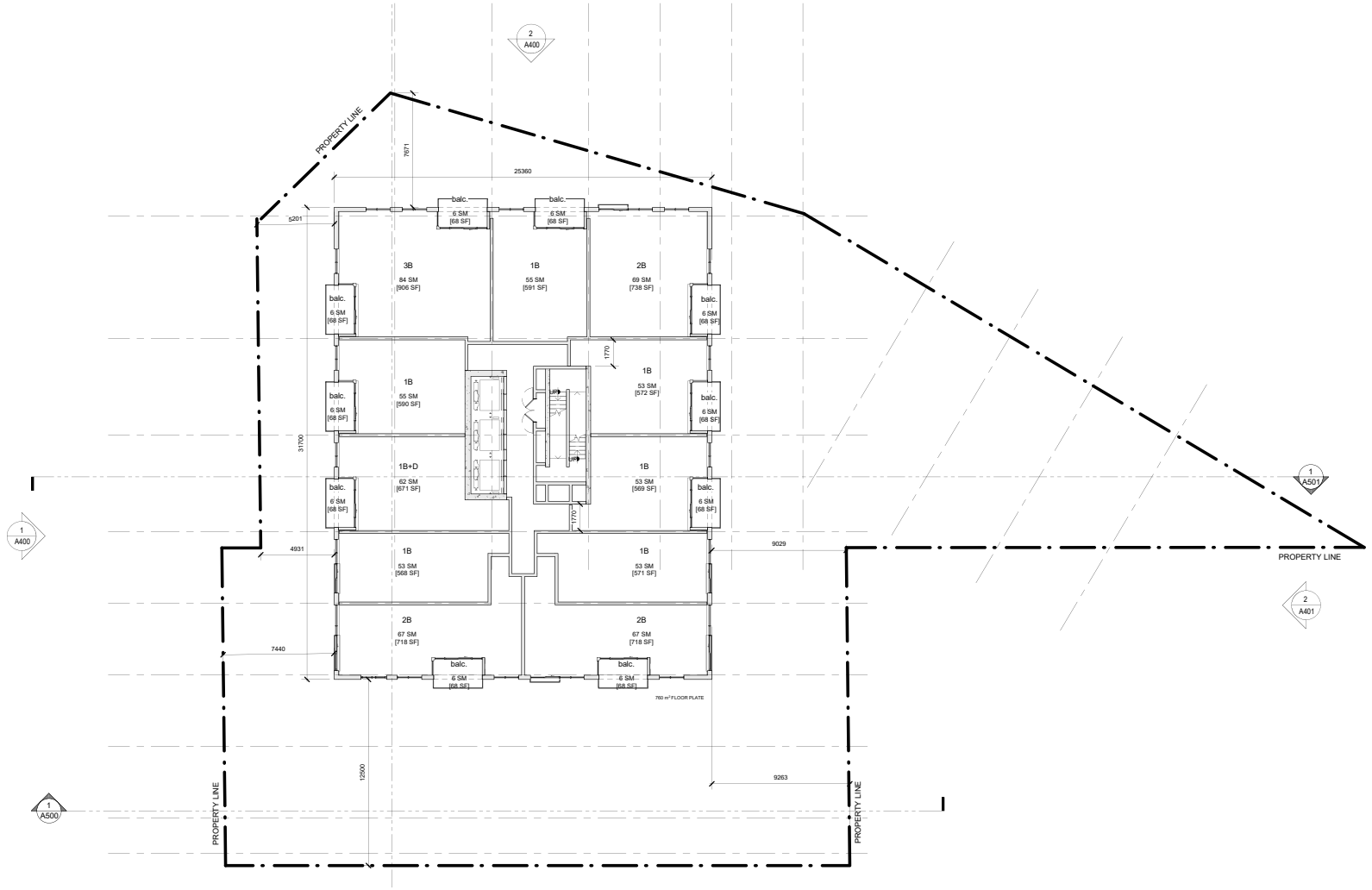
Eight Floor Plan
Source: Prepared by RAW. Provided by Owner. (2022)

DESCRIPTION OF PROPOSED
DEVELOPMENT



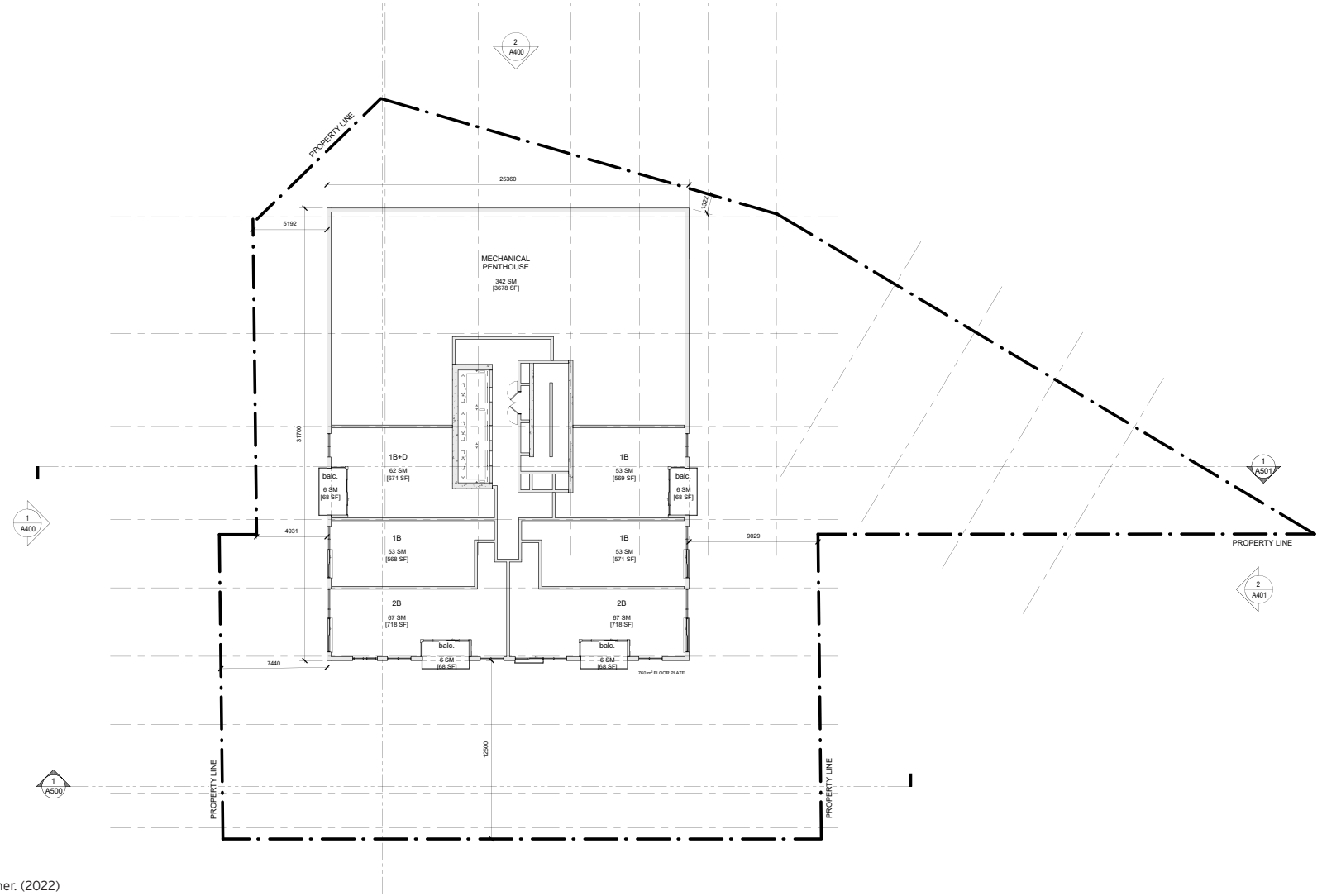
Ninth Floor Plan
Source: Prepared by RAW. Provided by Owner. (2022)

DESCRIPTION OF PROPOSED
DEVELOPMENT



Tenth to Thirties Floor Plan
Source: Prepared by RAW. Provided by Owner. (2022)

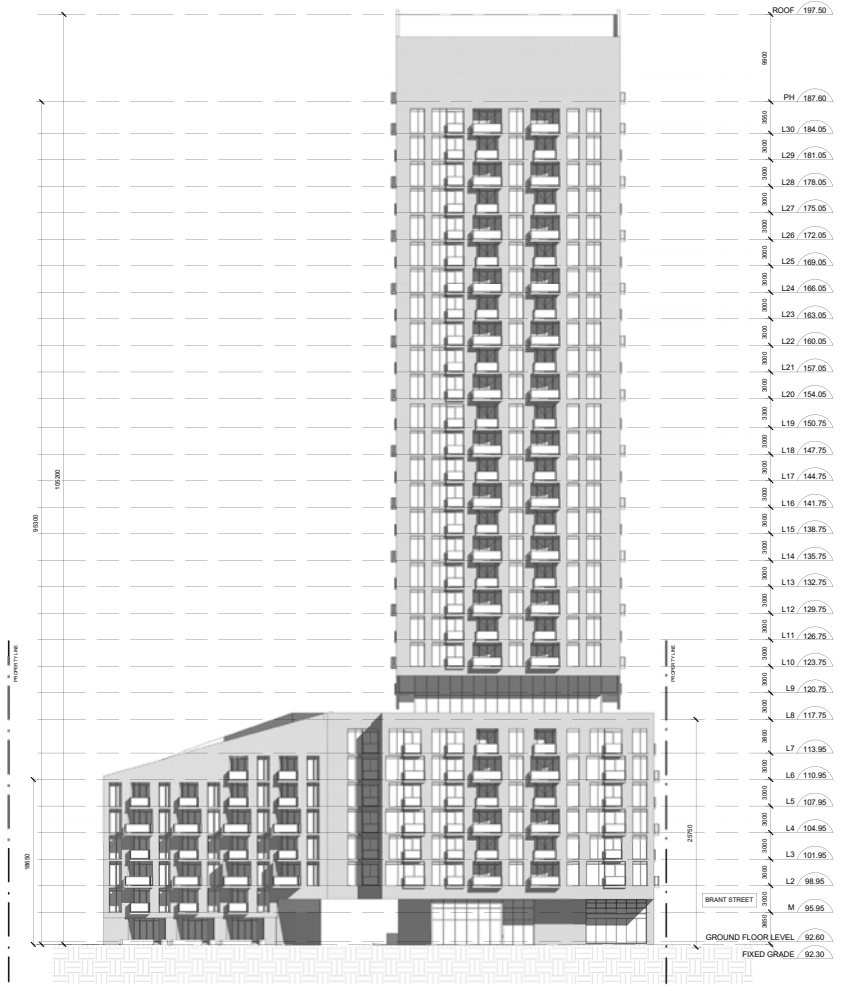
DESCRIPTION OF PROPOSED
DEVELOPMENT



Penthouse - Mechanical Floor Plan.
Source: Prepared by RAW. Provided by Owner. (2022)

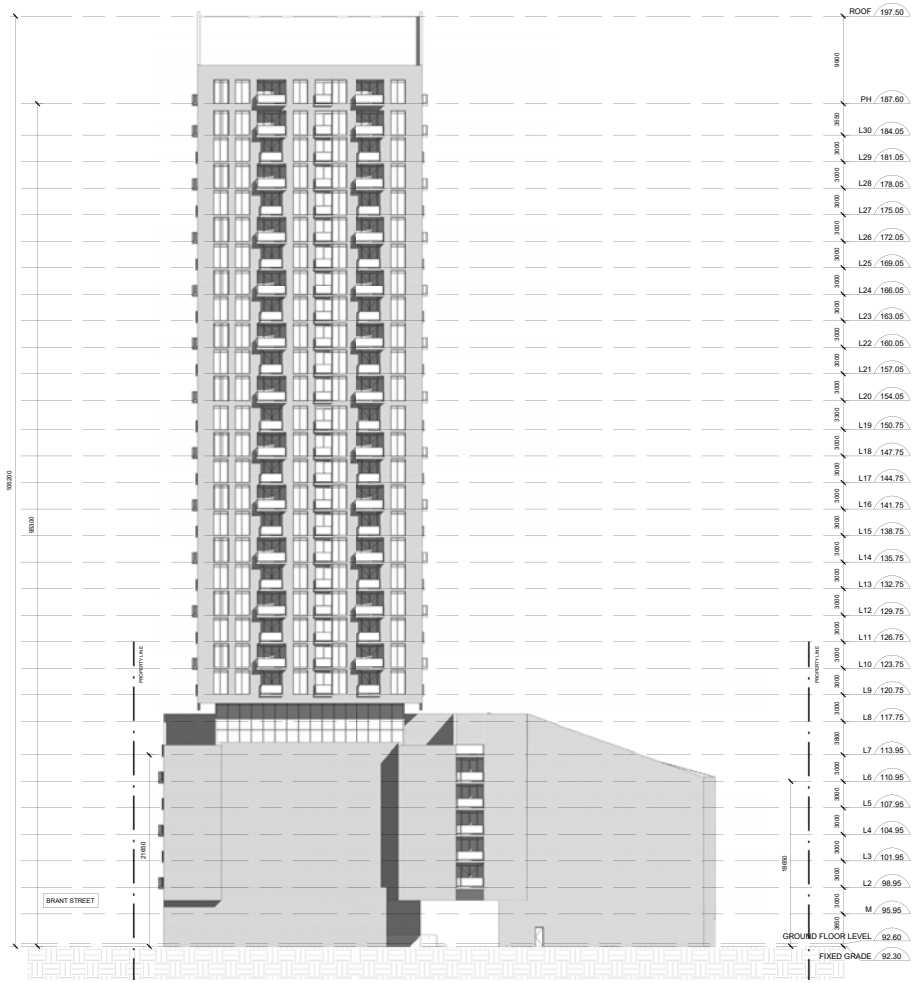
DESCRIPTION OF PROPOSED
DEVELOPMENT

South West Elevation
Source: Prepared by RAW. Provided by Owner. (2022)

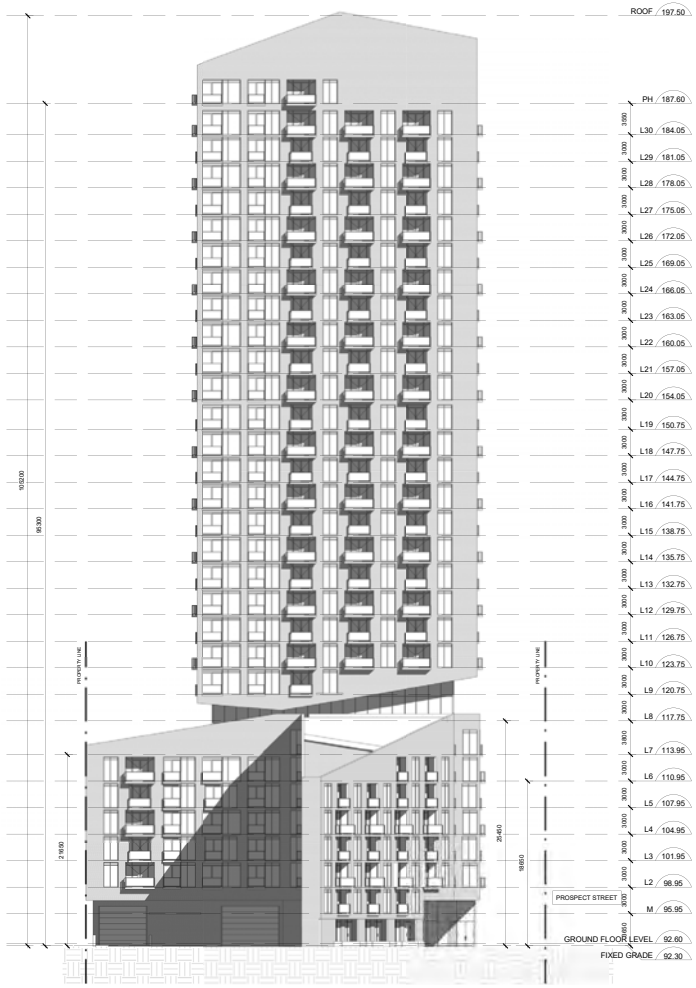


North West Elevation
Source: Prepared by RAW. Provided by Owner. (2022)

DESCRIPTION OF PROPOSED
DEVELOPMENT

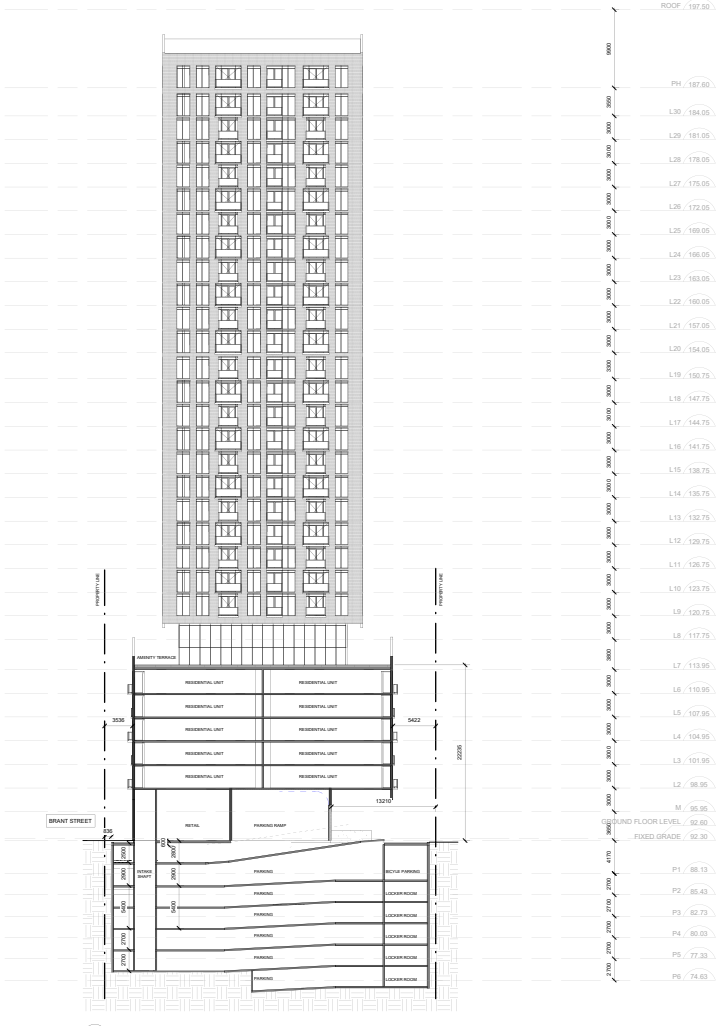


South East Elevation
Source: Prepared by RAW. Provided by Owner. (2022)

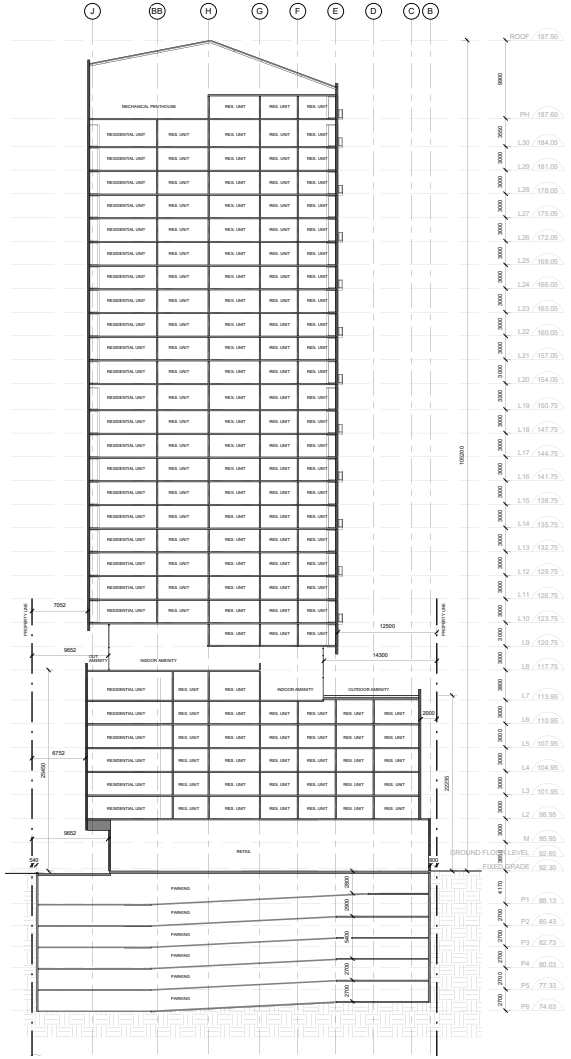


North East Elevation
Source: Prepared by RAW. Provided by Owner. (2022)

DESCRIPTION OF PROPOSED
DEVELOPMENT



East-West Section
Source: Prepared by RAW. Provided by Owner. (2022)



North-South Section
Source: Prepared by RAW. Provided by Owner. (2022)

DESCRIPTION OF PROPOSED DEVELOPMENT

Perspective of Proposed Development
Source: Prepared by RAW. Provided by Owner. (2022)

DESCRIPTION OF PROPOSED DEVELOPMENT

Perspective of Proposed Development
Source: Prepared by RAW. Provided by Owner. (2022)

DESCRIPTION OF PROPOSED
DEVELOPMENT

Perspective of Proposed Development
Source: Prepared by RAW. Provided by Owner. (2022)

To assess the potential impacts of the proposed development's effects on the identified cultural heritage resource, the proposed development will consider three levels of impact: positive, neutral and negative. A positive impact may include restoration of heritage features, including replacement of missing, documented attributes, restoration or enhancement of the existing streetscape, adaptive re-use of a heritage resource to ensure long-term viability, retention of the resource, and protection from loss or removal. Neutral effects have neither a positive or a negative impact on a cultural heritage resource. Negative impact may include, but is not limited to the destruction of any or part of any significant heritage attributes, an alteration that is not sympathetic to or is not compatible with the heritage fabric and appearance of a heritage resource, shadows created that alter the appearance of a heritage attribute or change the viability of a natural feature or planting, isolation of a heritage attribute from its surrounding environment, context or significant relationship, direct or indirect obstruction of significant views or vistas within, from or to built and natural features, and a change in land use that affects a property's heritage value. These negative impacts may require strategies to mitigate their impact on identified cultural heritage resources.

According to the Ontario Heritage Tool Kit, the following constitute negative impacts which may result from a proposed development:

- Destruction including removal or relocation;
- Alteration;
- Shadow;
- Isolation;
- Director or indirect obstruction;
- A change in land use; and
- Land disturbance.

An analysis of potential impacts on the cultural heritage resources located at 795 Brant Street, as a result of the proposed redevelopment of the subject site follows.

MITIGATING MEASURES
IMPACT ON ADJACENT HERITAGE RESOURCES

Address: 795 Brant Street, Burlington, Ontario

IMPACT	LEVEL OF IMPACT	POTENTIAL IMPACT
Destruction including removal or relocation	Negative	The proposed development will result in the removal of the cultural heritage resource.
Alteration	None	The proposed development proposes not to retain the cultural heritage resource.
Shadows	None	The proposed development height will not affect the subject property's cultural heritage resources or cultural heritage resources.
Isolation	None	The proposed development will not change the relationship of the building to its context. The proposed development propose the removal of the building.
Direct or indirect obstruction of significant views	Negative	The view of the front facade facing Brant Street is important. The proposed development propose the removal of the building, removing this view.
A change in land use	Positive	The land use to convert to a mix-use building will bring back residence to the subject property and support the current use of commercial space.
Land Disturbance	Neutral	The proposed development will require soil disturbance to facilitate site construction.
Level of Impact : Positive/Neutral/Negative/None		

IMPACT ON ADJACENT HERITAGE RESOURCES

There is no impact on the identified cultural heritage resources surrounding the subject property.

The proposed development design at this time is preliminary. As the design evolves, so will the mitigating measures and an amendment to this HIS to conform to the proposed design. The development proposed the removal of the cultural heritage resource and will have a negative impact on the cultural heritage resource unless appropriate care is taken.

It is proposed to retain only the original 1854 house facing Brant Street and integrate it into the redevelopment of the subject site. However, this option is dependant on if the modern paint can be removed from the original brick and whether the original brick is in good condition.

Brick masonry buildings were designed to be acceptable to retain a certain amount of moisture and would naturally evaporate through the exterior wall. To allow this to occur, the exterior wall assemblies use traditional materials permeating to water vapour. Modern paint seals and traps moisture, resulting in the loss of brick structural integrity and camouflages additional damages. If the majority of the brick cannot be saved through conservation efforts, then the building should be removed as a result of the substantial, cumulative alteration and loss of the heritage attribute which significantly harms the heritage integrity.

Should the cultural heritage resource be retained, the following mitigating measure is recommended:

1. A structural condition assessment should be completed to determine the condition of the building, particularly the masonry structure, stone foundation, and wood frame. As noted, the interior has been sustainability altered.
2. A salvage report with documentation of the existing condition should be completed before portions of the building are removed. This should include a measured architectural drawing, floor plans, elevations and site plans.
3. A conservation plan should be prepared in consultation with a Structural Engineer to determine the recommended measure to conserve the significant features of the cultural heritage resource.

The conservation plan should outline how the building will be adapted for redevelopment, provide recommendations related to retaining structural integrity and detail measures for the heritage building's short, medium and long-term maintenance. Specific items to address:

   a. Confirm suitability of the building for relocation during construction
   b. Work to be undertaken to secure the building before relocation
   c. Confirmation of the methodology and sequence for moving and structure.

   The conservation plan will ensure the remaining portions of the buildings are stabilized and protected before, during and after construction activities.
4. A Temporary Protection Plan should be completed and included as part of the Conservation Plan
5. The design of the proposed development should be sympathetic to the cultural heritage resource. The development can be set back to give a greater presence to the building along Brant Street
6. Use of sympathetic materials and details will further connect the proposed development to the cultural heritage resource.
7. Commemoration of the building through signage/plaque/marker. A signage or plaque should be provided on the site to reference the building and site, outlining the historical and contextual value they have to the community.

Should the cultural heritage resource be removed, the following mitigating measure are recommended:

1. A Cultural Heritage Documentation Report should be completed should the existing dwelling be approved to be demolished.
   a. Documents the interior and exterior with photographs
   b. Provide measured architectural drawings, floor plans, elevations and site plans.

2. The report should be filed with the City of Burlington, Halton Regional Archives and Heritage Burlington so that information regarding the site is added to the historical record of the subject site.
3. Commemoration of the building through signage/plaque/marker. Signage or plaque should be provided on the site, possibly through the salvage of material of the building as a reference to the building and site, outlining the historical and contextual value that they have to the community.

Should the cultural heritage resource be relocated, the following mitigating measure(s) are recommended:

1. A Feasibility Report should be completed. Consult with City staff and the Owner to study the possibility of relocating the building to private or public land. Relocation should be considered three site conditions:
    a. Relocation on the site
    b. Relocation to a nearby site
    c. Relocation to another site along Brant Street.
2. A Structural Report should be completed to determine the recommended measure to conserve and stabilize the building to relocate to the new site. The Structural Report should include a Moving Plan with recommendations for retaining structural during the relocation.
3. A consultation with a contractor experienced with building relocation.
4. Commemoration of the building through signage/plaque/marker. A signage or plaque should be provided on the site to reference the building and site, outlining the historical and contextual value they have to the community.

RECOMMENDATIONS AND CONCLUSIONS

The subject property is proposed to be developed into a mixed-use development consisting of a 31-storey tower with 354 residential units, a mechanical penthouse, a 7-storey podium, 485 m2 of ground-floor retail and a total of 279 vehicle parking spaces. The existing building on 795 Brant Street has heritage value and has been evaluated for potential impacts due to the proposed development.

The proposed development will not retain the portion of the building containing cultural heritage resources. The design of the proposed development is not final, and ATA recognizes that revision to the HIS will be required.

An analysis of potential impacts was undertaken, which found that there is a negative impact on the cultural heritage resource related to the demolition of the building. ATA proposed that the design should retain only the original 1854 house facing Brant Street. However, this is based on whether the brick can be conserved.

Of concern to the potential conservation of the building is the condition of the brick exterior and structural walls. Much of the exterior brick has been painted, preventing a clear visual inspection of the existing conditions. In addition, if the wrong type of paint were used, it would affect the permeability of the brick, potentially trapping moisture within the brick and causing potential damage during a freeze-thaw cycle. Interior brick structural walls could not be fully inspected at this time. Still, some visible areas have significant changes made to these walls as part of previous work, mainly related to M&E improvements.

The brick's condition and stability will impact the possibility of relocating the building or its worth of salvage.

Should the building be retained, ATA has provided some recommended mitigation measures to ensure that the heritage attributes of the subject site will be conserved.

Should the building be removed, ATA also has provided some recommended mitigation measures.

Due to the substantial, cumulative changes and the loss of heritage attributes, significant harm has been caused to the heritage integrity of the structure. Even though the proposed development has a negative impact from the removal of the building, it is concluded that the subject site is developed as proposed only if further investigations find that the brick cannot be conserved. The recommended mitigation measures for the final scenarios be implemented through the site plan control process following approval of the principle of development of the subject site.

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BIBLIOGRAPHY
SUPPORTING DOCUMENTS
JASON TRUELOVE CV
RYAN LEE CV

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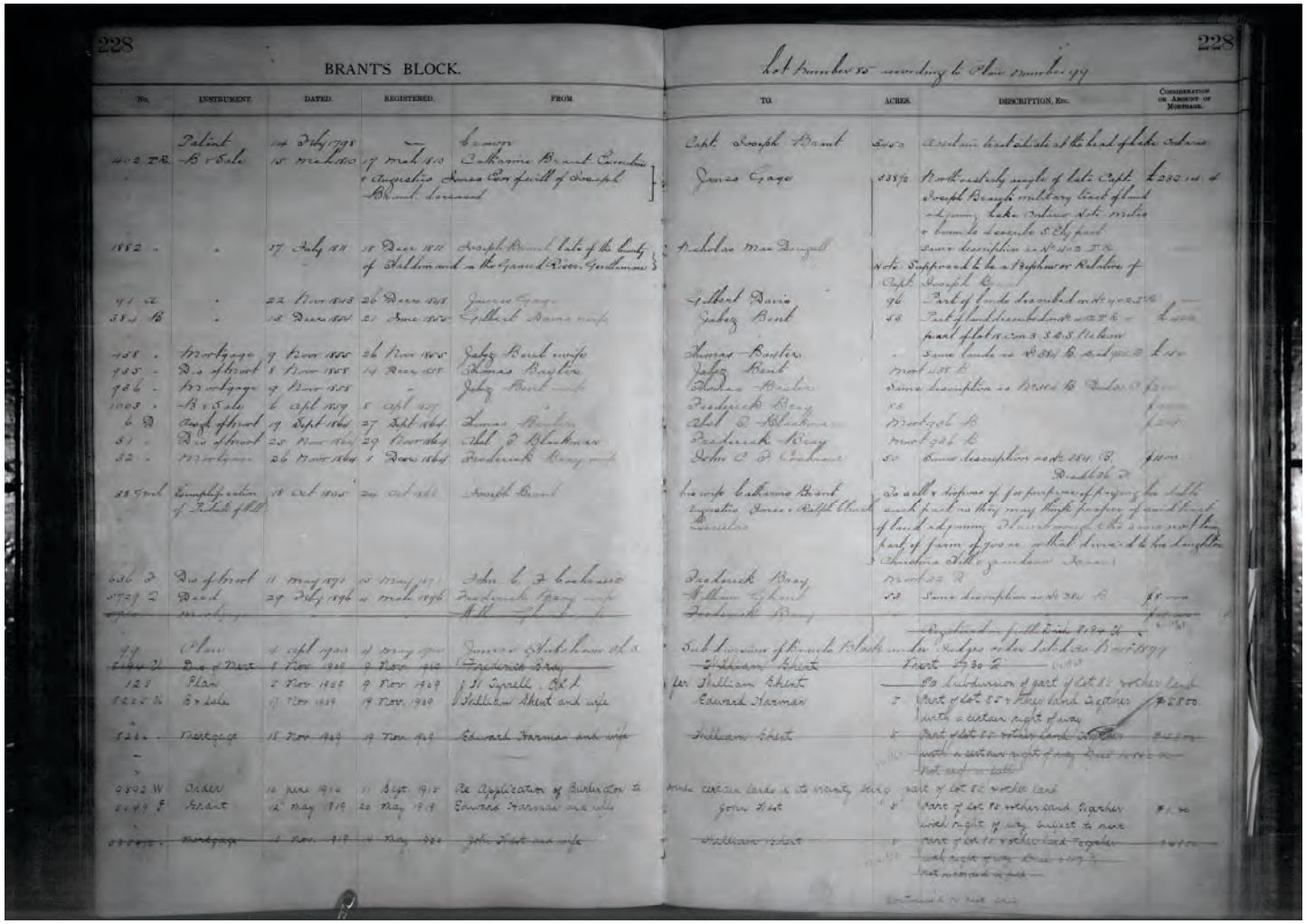

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BRANT'S BLOCK.

Lot number 85 according to Plan number 99

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No.	INSTRUMENT	DATED	REGISTERED	FROM	TO	ACRES	DESCRIPTION, Etc.	CONSIDERATION OR AMOUNT OF MORTGAGE
	Patent	14 July 1798	—	Crown	Capt. Joseph Brant	5203	Asserlain tract situate at the head of Lake Ontario	
402 ½	B & Sale	18 March 1800	17 March 1810	Catharine Brant Crombie & Augustus Jones Executors of will of Joseph Brant deceased	James Gage	338½	North easterly angle of late Capt. Joseph Brant's military tract of land adjoining Lake Ontario N.W. & more & bounded S. Easterly part same description as No 402 ½	£230 10 0
1882	"	17 July 1811	18 Dec 1811	Joseph Brant late of the City of Hallowell in the Grand River Gentleman	Nicholas Mac Dougall		Note. Supposed to be a Nephew or Relative of Capt. Joseph Brant	
41 ½	"	22 Nov 1813	26 Dec 1815	James Gage	Gilbert Davis	96	Part of lands described as No 402 ½	
384 B	"	18 Dec 1815	21 June 1820	Gilbert Davis wife	Jabez Bent	88	Part of lands described as No 402 ½ part of Lot No 3 S.D.S. Hallowell	£100
458	Mortgage	9 Nov 1825	26 Nov 1825	Jabez Bent wife	Thomas Butler		Same lands as No 384 B. & part	£150
955	D.o of Release	8 Nov 1825	14 Dec 1825	Thomas Butler	Jabez Bent		Mort 458 B	
986	Mortgage	9 Nov 1825	—	Jabez Bent wife	Thomas Butler		Same description as No 955 B	
1003	B & Sale	6 April 1829	5 April 1837		Frederick Bray	88		
6 D	Assgt of Mort	9 Sept 1864	27 Sept 1864	Thomas Butler	Abel D. Blackmar		Mortgage B	
51	D.o of Release	28 Nov 1864	29 Nov 1864	Abel D. Blackmar	Frederick Bray		Mort 986 B	
52	Mortgage	26 Nov 1864	1 Dec 1864	Frederick Bray wife	John C. F. Cochrane	50	Same description as No 384 B. Deed 606 D	$1000
88 Cert	Exemplification of Probate of Will	18 Oct 1865	24 Oct 1865	Joseph Brant	the wife Catharine Brant & Ignatius Jones & Ralph Clench Executors		To sell & dispose of for purposes of paying the debts and such part as they may think proper of said Block of land adjoining Plan of the same not being part of farm of yo late Joseph Brant Christina Dike Executrix Revd	
636 D	D.o of Release	11 May 1871	15 May 1871	John C. F. Cochrane	Frederick Bray		Mort 52 B	
3729 2	Deed	29 July 1876	2 March 1876	Frederick Bray wife & the Executors of the Will of Joseph Brant	William Ekhart	53	Same description as No 384 B	$1000
~~Opin~~	~~mortgage~~				~~Frederick Bray~~		~~Reconveyance of the Deed 3729 2~~	
99	Plan	4 April 1900	11 May 1900	James Hutcheson & S.	Sub division of Brants Block under Judges order Sale 20 Nov 1899			
~~Exam 2~~	~~Dis of Mort~~	~~5 Nov 1908~~	~~9 Nov 1908~~	~~Frederick Bray~~	~~Ekhart~~	~~Part~~	~~Lot 30 S~~	
123	Plan	5 Nov 1908	9 Nov 1908	J. St Cyr Ellis, P.L.S.	for William Ekhart		Sub division of part of Lot 85 & other land	
5225 ½	B & Sale	17 Nov 1909	19 Nov 1909	William Ekhart and wife	Edward Harman	5	Part of Lot 85 & other land & others with a certain right of way	$2500
5264	Mortgage	18 Nov 1909	19 Nov 1909	Edward Harman and wife	William Ekhart	5	Part of Lot 85 & other land & others with a certain right of way Deed 5225 ½ Not endorsed	$1000
6892 W	Deed	10 June 1914	11 Sept 1915	Re Application of Burlington to	Make certain lands in its vicinity	5½	part of Lot 85 & other land	
7049 ½	Grant	12 May 1919	20 May 1919	Edward Harman and wife	John Hart	5	part of Lot 85 & others and together with right of way subject to same	$1.00
~~6892 2~~	~~Mortgage~~	~~1 Nov 1919~~	~~4 May 1920~~	~~John Hart and wife~~	William Hart	5	part of Lot 85 & other land together with right of way Deed 7049 ½ Not endorsed as such	$1000

Land Registry Record for Lot 85, Plan No. 99
Source: https://www.familysearch.org/records/images/image-details?page=1&place=7214155&rmsId=TH-909-88613-72112-57&imageIndex=233&singleView=true

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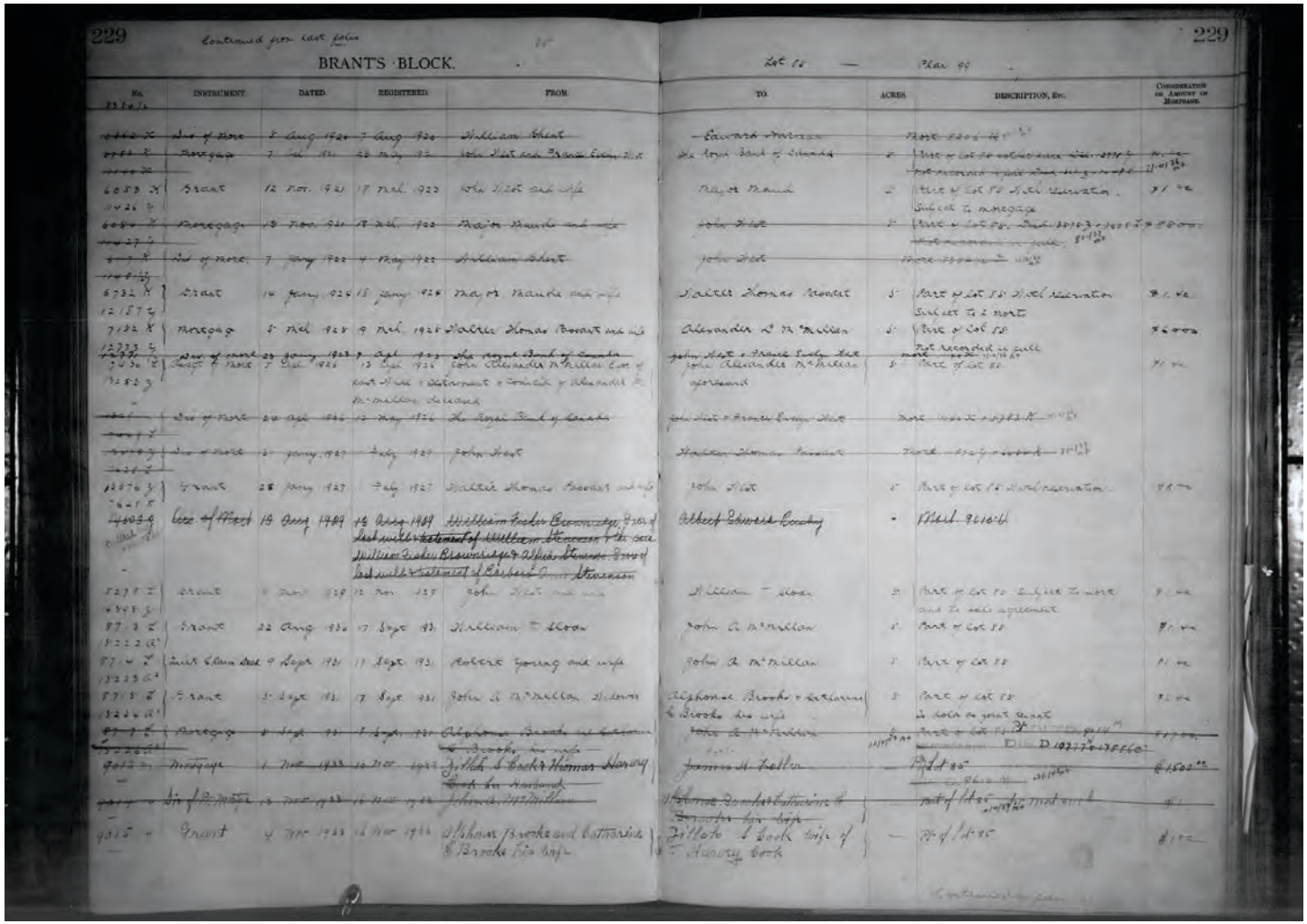

Land Registry Record for Lot 85, Plan No. 99
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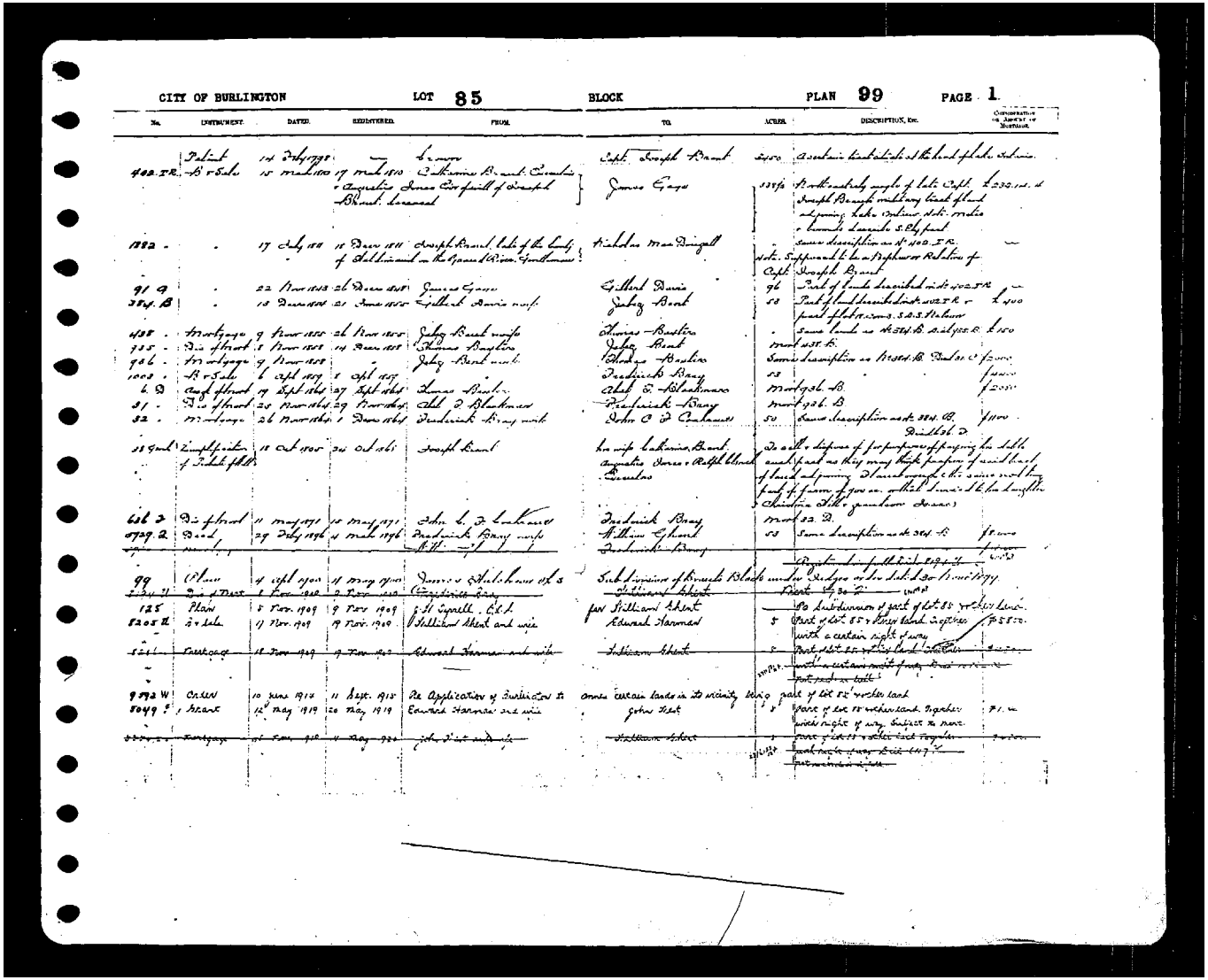

CITY OF BURLINGTON — LOT 85 — BLOCK — PLAN 99 — PAGE 1

No.	INSTRUMENT	DATED	REGISTERED	FROM	TO	ACRES	DESCRIPTION, Etc.
	Patent	14 July 1798	—	Crown	Capt. Joseph Brant	2400	a certain tract of land situate on the head of Lake Ontario
402 SR	B & Sale	15 mch 1800	17 mch 1810	Catherine Brant Crawford Augustus Jones Co-Exrs of Joseph Brant deceased	James Gage	1334	Northerly angle of late Capt. Joseph Brant military tract of land adjoining Lake Ontario N.W. Limits of Township Laurence S. City limit
1882	.	17 July 1858	18 Dec 1911	Joseph Brant late of the City of Hamilton and the Province of Ontario Gentleman	Nicholas MacDougall	.	same description as No 402 S.R.
							Note. Supposed to be a Nephew or Relative of Capt. Joseph Brant
91 9	.	22 Nov 1858	26 Dec 1858	James Gage	Gilbert Davis	96	Part of Lands described in No 402 S.R.
384 B	.	18 Dec 1858	21 June 1860	Gilbert Davis wife	Isaby Beak	58	Part of Lot Number Eight on W.S.R. of Township of Nelson S.D.S. Halton
435	Mortgage	9 Nov 1860	26 Nov 1860	Isaby Beak wife	Thomas Bastien	.	same Lands as 384 B. and 921 R.
935	Discharge	1 Nov 1868	14 Dec 1868	Thomas Bastien	Isaby Beak		mort 435 B.
936	Mortgage	9 Nov 1868	.	Isaby Beak wife	Thomas Bastien		Same description as 384 B. Part of Lot No.
1003	B & Sale	6 Sept 1869	8 Sept 1869	Thomas Bastien	Frederick Bray	58	.
6 D	Discharge	19 Sept 1876	27 Sept 1876	Thomas Bastien	Albert E. Hilbourne		Mortgage B.
31	Discharge	25 Nov 1876	29 Nov 1876	Albert E. Hilbourne	Frederick Bray		mort 936 B.
32	Mortgage	26 Nov 1876	1 Dec 1876	Frederick Bray wife	John C. D. Cochrane	50	Same description as 384 B.
							Discharged
58 Qual	Limitation of Estate	18 Oct 1900	20 Oct 1900	Joseph Brant	his wife Catherine Brant Augustus Jones & Ralph Hilton Executors		to all intents & purposes for granting the said land and premises or any part thereof as they may think proper for and during the term of their natural lives and the survivor of them and after the decease of such survivor the said land and premises shall be held by the heirs of Christina Sibbald grandson of Joseph Brant
662	Discharge	11 May 1871	15 May 1871	John L. D. Cochrane	Frederick Bray		Mort 32 B.
6729 2	Deed	29 July 1896	4 mch 1896	Frederick Bray wife	William Ghent	58	Same description as 384 B.
					Frederick Bray		
							Part of Lot 85 Plan 99
99	Plan	4 Sept 1900	11 May 1901	James & Hulda Lowe et al	Subdivision of Brant's Block with Bridges on the Lake Shore Burlington		
2 Qual 11	Dis of Trust	1 Nov 1900	9 Nov 1900	Executors Gage	Ghent		Part of Lot 85
125	Plan	5 Nov. 1909	9 Nov 1909	J. H. Cowell. C.E.L.S.	for Subdivision of part of Lot 85
5205 R	B & Sale	11 Nov. 1909	19 Nov. 1909	William Ghent and wife	Edward Harmer	5	Part of Lot 85 Nelson Township together with a certain right of way
5206	Mortgage	11 Nov 1909	19 Nov 1909	Edward Harmer and wife	William Ghent	5	Part of Lot 85 as on Plan 125 with a certain right of way
							Part of Lot 85
9792 W	Order	10 June 1918	11 Sept. 1918	Re Application of Burlington to annex certain lands in its vicinity		1610	part of Lot 85 Nelson Township
5049 S	Grant	12th May 1919	20 May 1919	Edward Harmer and wife	John Peat	5	part of Lot 85 Nelson Township together with right of way subject to same
	Mortgage	16 Jan 1920	4 May 1920	John Peat wife	William Ashton	5	part of Lot 85 Nelson Township together with right of way Part 1 on Plan
							Part number 1 on Plan

Land Registry Records for Lot 85, Plan 99
Source: Halton Land Registry

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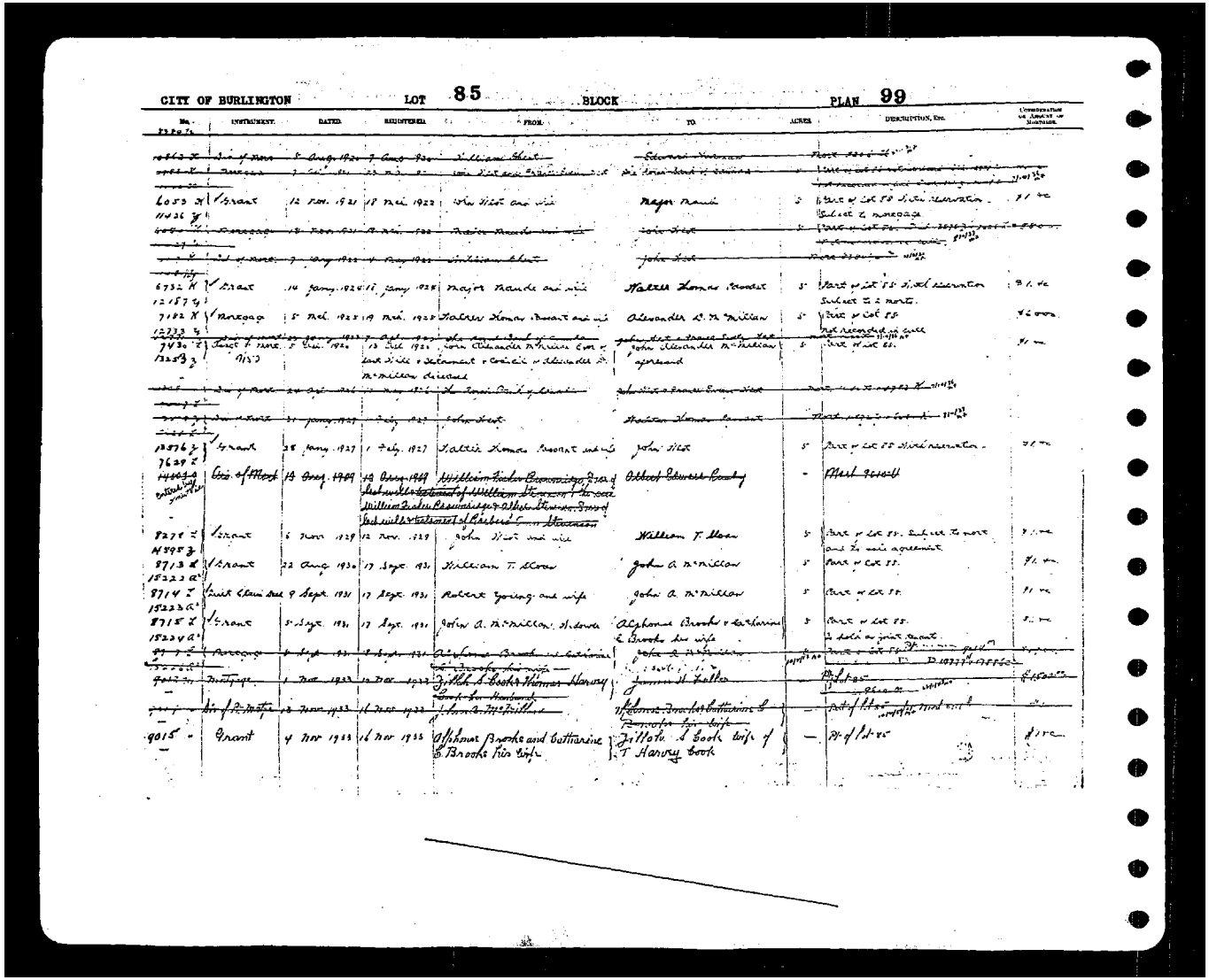
SUPPORTING DOCUMENTS

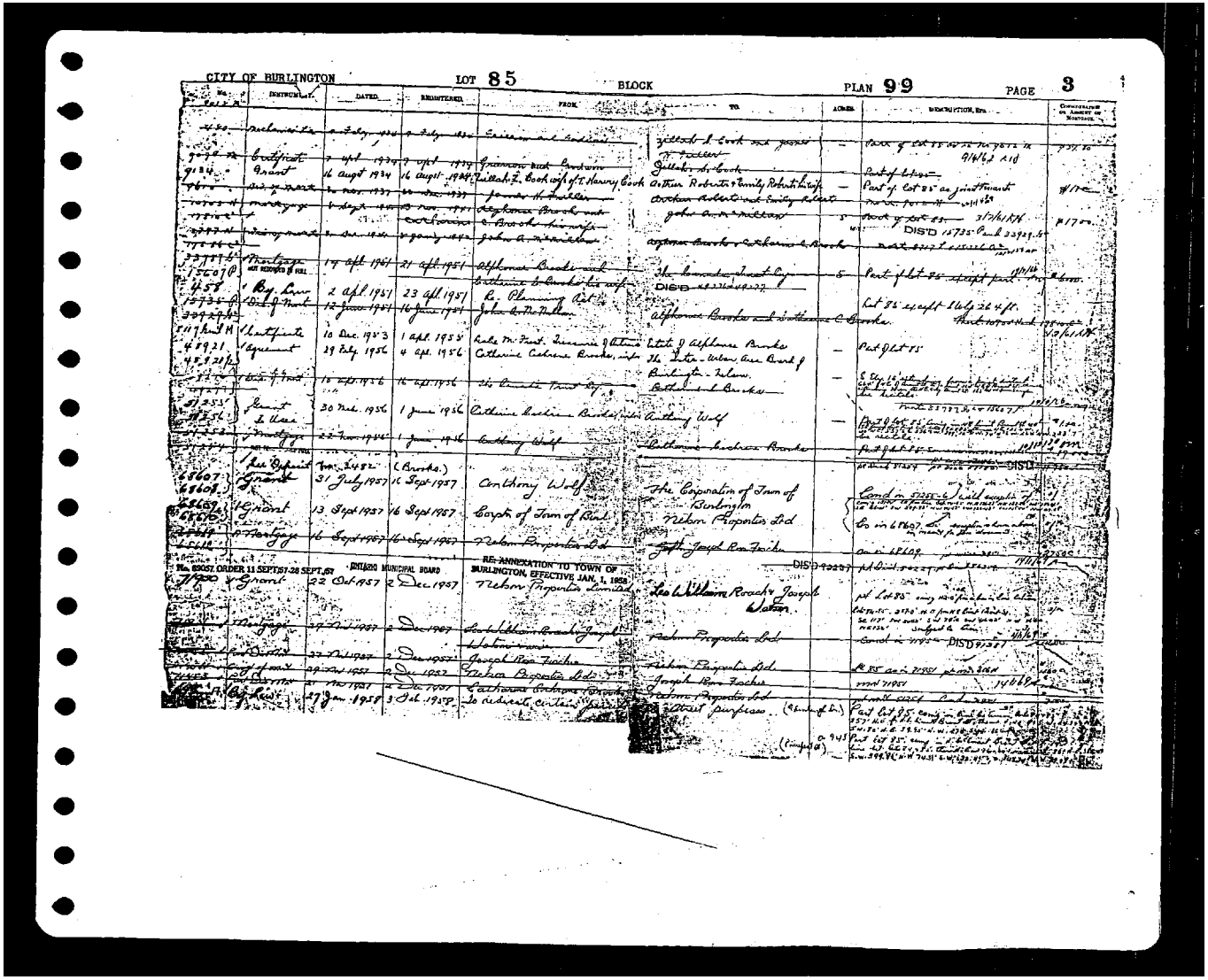


CITY OF BURLINGTON — LOT 85 — BLOCK — PLAN 99

No.	Instrument	Dated	Registered	From	To	Acres	Description, Etc.	Consideration or Amount of Mortgage
6053 H / 11426 H	Grant	12 Nov. 1921	18 Mch. 1922	John West and wife	Mayor Hamilton	5	Part of Lot 85 Dist. Reservation Subject to mortgage	$1.00
6732 H / 12157 H	Grant	14 Jany. 1926	16 Jany. 1926	Mayor Hamilton and wife	Hattie Homer Stewart	5	Part of Lot 85 Dist. Reservation Subject to a mortg.	$1.00
7182 H / 12733 H	Mortgage	5 Mch. 1928	19 Mch. 1928	Hattie Homer Stewart and wife	Alexander D. McMillan	5	Part of Lot 85 Not released as yet	$2,000
7430 H / 13253 H	Grant	5 Dec. 1928	13 Dec. 1928	John Alexander McMillan Executor of last Will & Testament & Codicil of Alexander D. McMillan deceased	John Alexander McMillan	5	Part of Lot 85.	$1.00
13576 H / 7629 H	Grant	28 Jany. 1927	1 Feby. 1927	Hattie Homer Stewart and wife	John West	5	Part of Lot 85 Dist. Reservation	$1.00
14063 H	Cert. of Effect	13 Sept. 1929	19 Sept. 1929	William Victor Bonnycastle Exor of last will & Testament of William Bonnycastle & Exor of last will & Testament of Richard Harrison	Ethel Edwards Bradley	—	Mort. 9610 H	
8278 H / M395 H	Grant	5 Nov. 1929	12 Nov. 1929	John West and wife	William T. Moore	5	Part of Lot 85. Subject to mort. and to easement.	$1.00
8713 H / 15222 H	Grant	22 Aug. 1930	17 Sept. 1930	William T. Moore	John A. McMillan	5	Part of Lot 85.	$1.00
8714 H / 15223 H	Certificate of Sale	9 Sept. 1930	17 Sept. 1930	Robert Young and wife	John A. McMillan	5	Part of Lot 85.	$1.00
8715 H / 15224 H	Grant	5 Sept. 1930	17 Sept. 1930	John A. McMillan & Edna	Alphonse Brooks & Catherine E. Brooks his wife	5	Part of Lot 85. As joint tenants	$1.00
[illegible]	Mortgage	1 Nov. 1933	12 Dec. 1933	Alphonse Brooks & Catherine E. Brooks his wife	Judith A. Booth, Herman Harvey Booth & Jas. Hamilton			$1,500.00
[illegible]	Assignment of Mortgage	12 Dec. 1933	16 Dec. 1933	Jas. A. McPhillips	Alphonse Brooks & Catherine E. Brooks his wife		Assignment of Mortgage	
9015 H	Grant	4 Nov. 1933	16 Nov. 1933	Alphonse Brooks and Catherine E. Brooks his wife	Judith A. Booth wife of T. Harvey Booth	—	Pt. of Lot 85	$1.00

Land Registry Records for Lot 85, Plan 99
Source: Halton Land Registry

APPENDIX
SUPPORTING DOCUMENTS


CITY OF BURLINGTON LOT 85 BLOCK PLAN 99 PAGE 3

Land Registry Records for Lot 85, Plan 99
Source: Halton Land Registry

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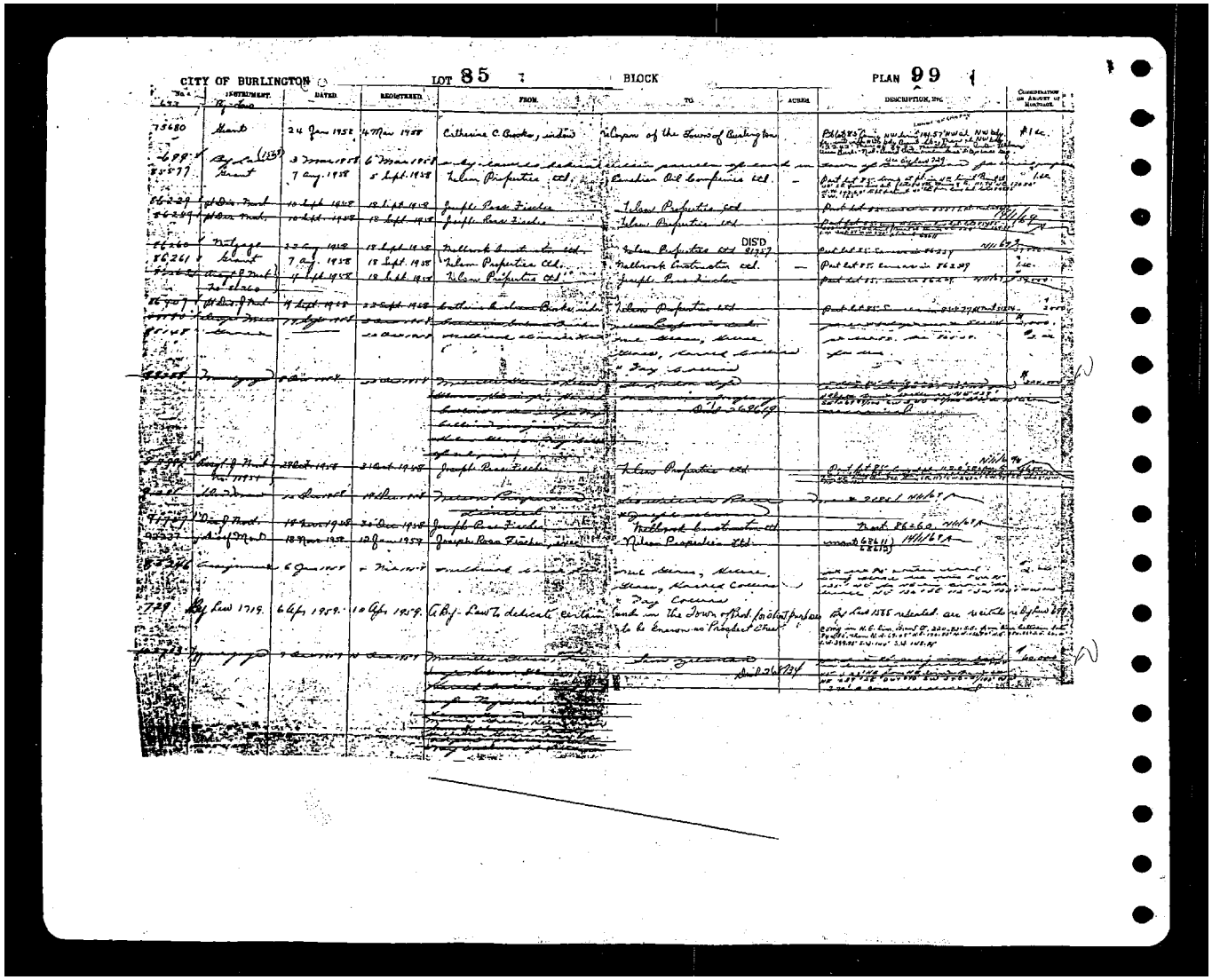
CITY OF BURLINGTON (C) LOT 85 BLOCK PLAN 99

Land Registry Records for Lot 85, Plan 99
Source: Halton Land Registry

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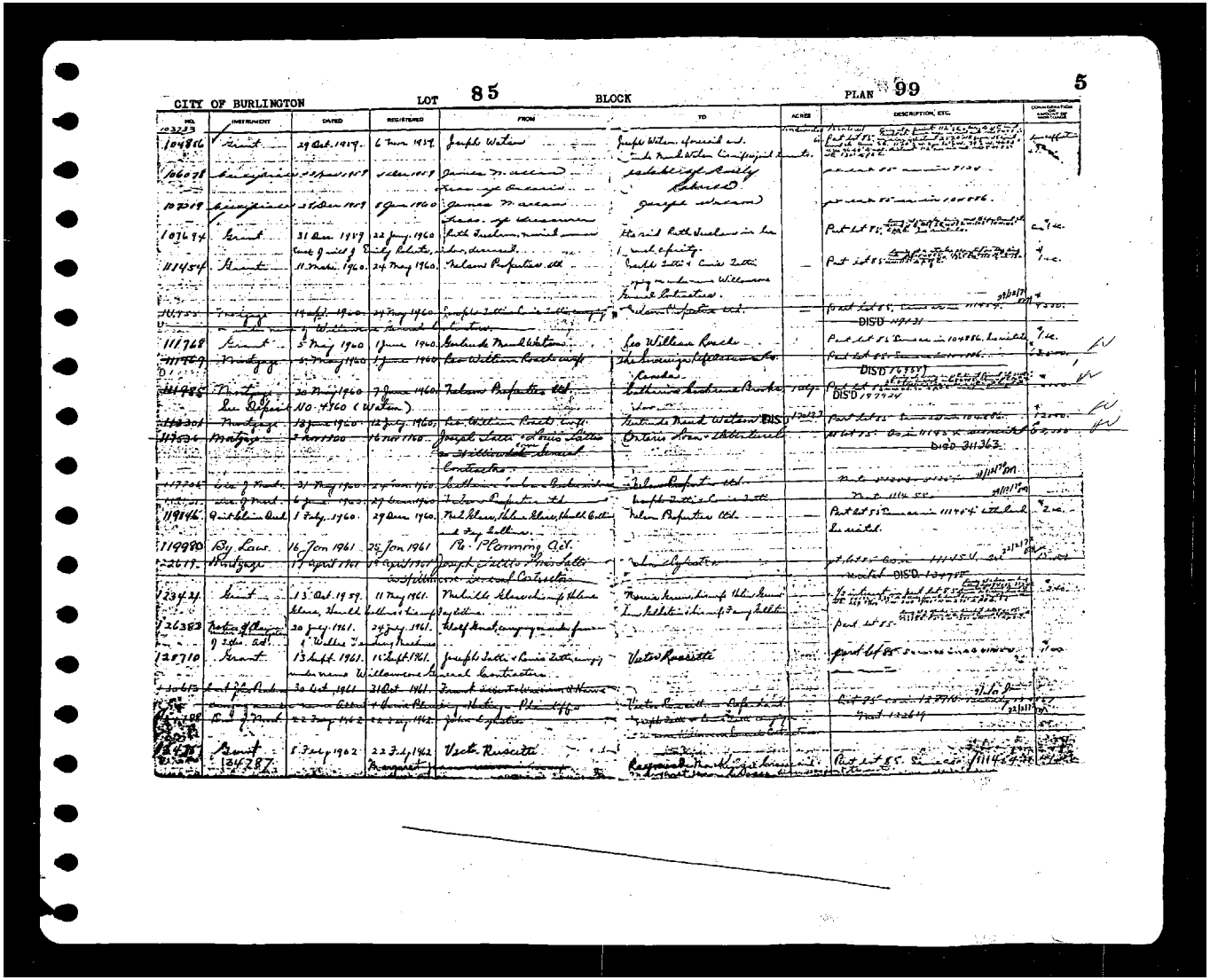
SUPPORTING DOCUMENTS



CITY OF BURLINGTON LOT 85 BLOCK PLAN 99 5

Land Registry Records for Lot 85, Plan 99
Source: Halton Land Registry

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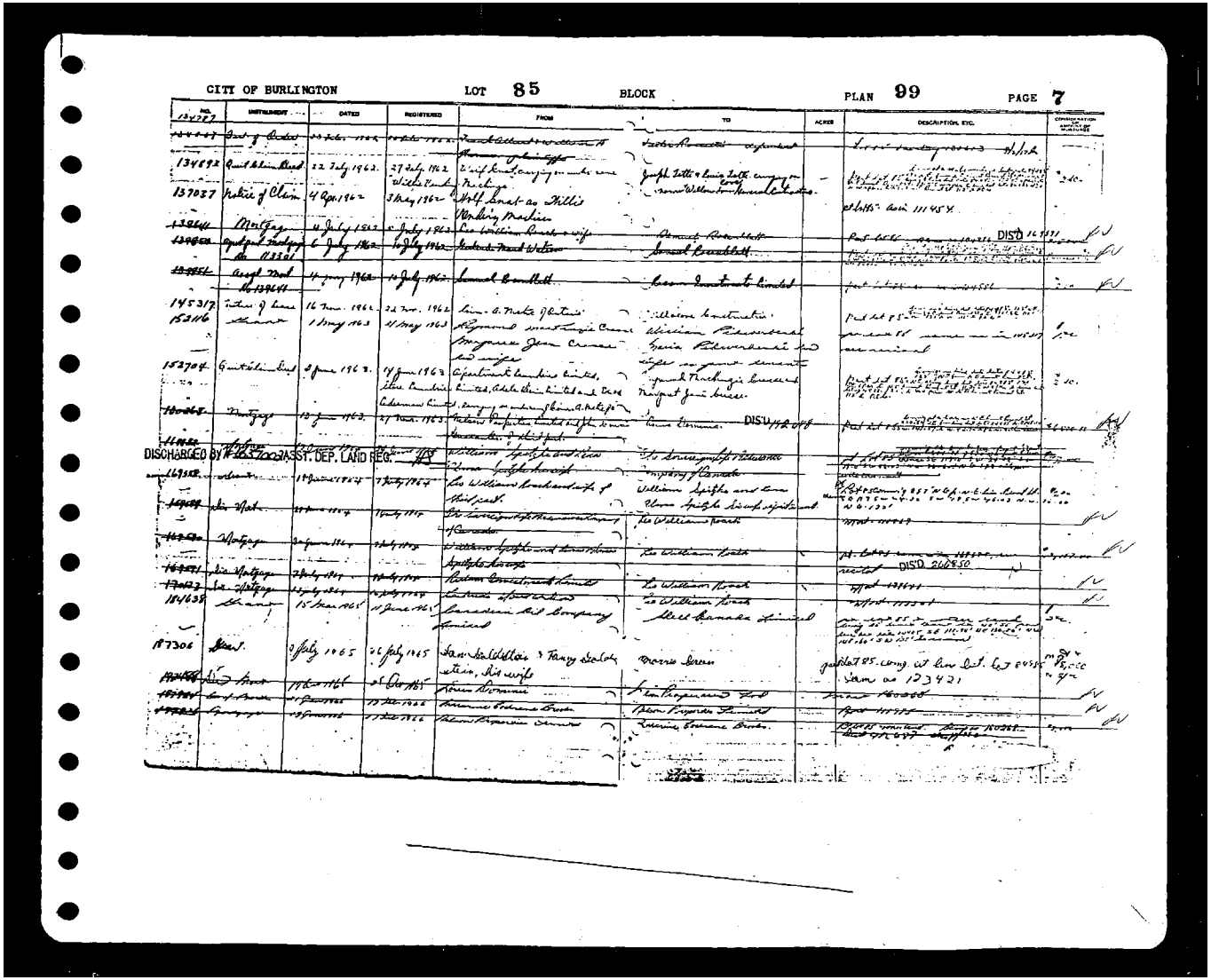
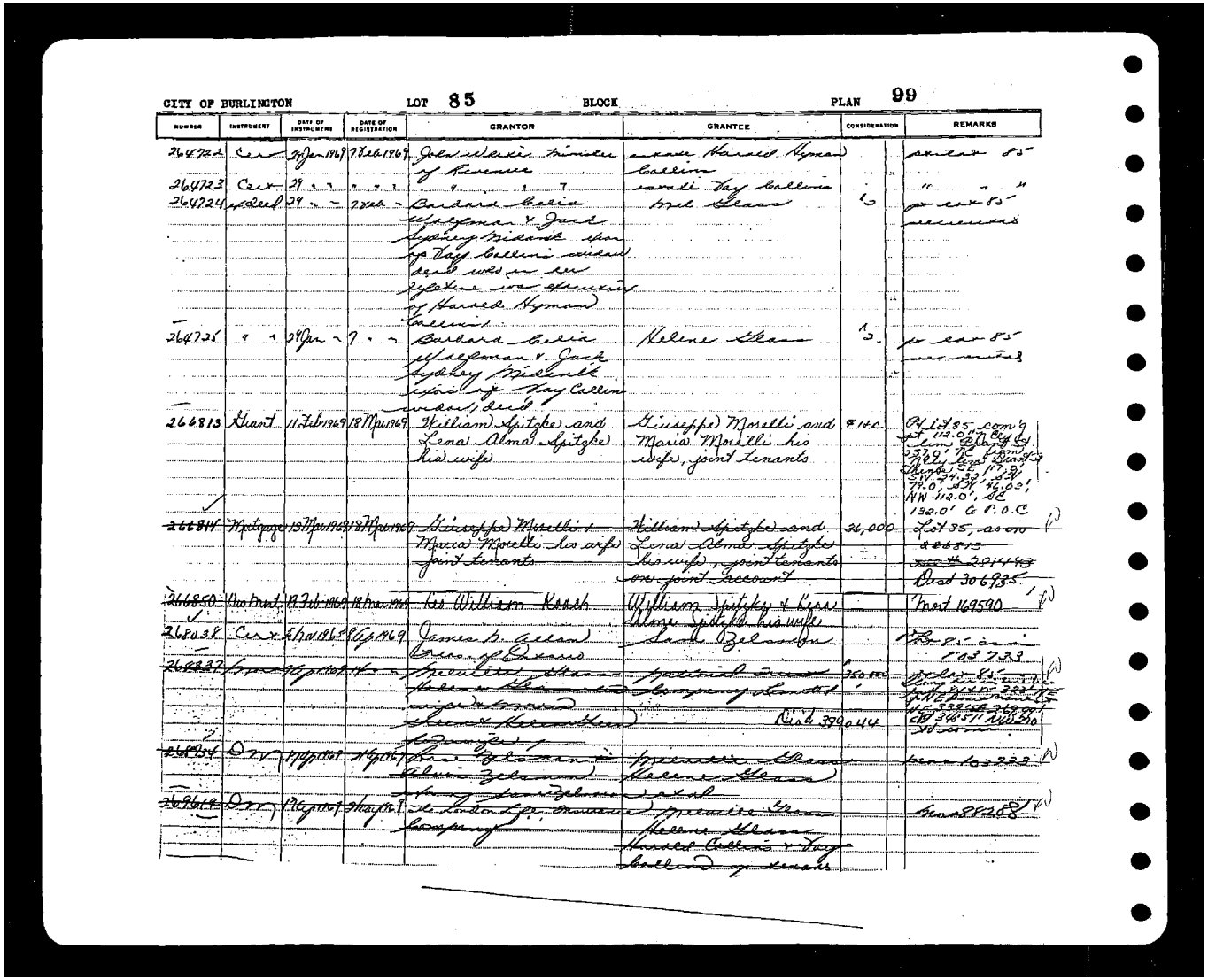


CITY OF BURLINGTON LOT 85 BLOCK PLAN 99 PAGE 7

No.	Instrument	Dated	Registered	From	To	Acres	Description, Etc.	Consideration
134692	Quit Claim Deed	22 July 1962	27 July 1962	Wife [illegible]	Joseph Tutte & Louis Tutte, carrying on business as William Tutte Manufacturers		[illegible]	$40.
137037	Notice of Claim	4 Apr 1962	3 May 1962	Wolf Coast as Wells			[illegible]	
139641	Mortgage	4 July 1963	5 July 1963	Lee William Rose & wife	Samuel Rosenblatt		[illegible] DISCH 16 1971	
139651	Application for Vesting Order re 113301	5 July 1962	10 July 1962	Isabella Maud Watson	Samuel Rosenblatt		[illegible]	
139651	Assignment of Mortgage re 139641	14 May 1963	10 July 1963	Samuel Rosenblatt	Acorn Investments Limited		[illegible]	
145317	Notice of Claim	16 Nov 1964	22 Nov 1964	Wm. A. Mate & Peter	William Investments		[illegible]	
152116	Transfer	1 May 1965	11 May 1965	Raymond Mortgage Corporation and Marguerite Jean Cremer, his wife	William Investments, William Rosenblatt and Irwin Rosenblatt, as tenants in common		[illegible]	
152704	Certificate of Lis Pendens	8 June 1965	14 June 1965	Apartment Lumber Limited, Lou Lumber Limited, Able Lou Limited and Dale Lumber Limited, carrying on business as Wm. A. Mate & Peter	Samuel Rosenblatt and Margaret Jane Bruce		[illegible]	
150068	Mortgage	10 June 1965	17 Nov. 1965	Acorn Investments Limited	Irwin Rosenblatt DISCH 152 017		Part as in [illegible]	
11482	Assignment of Mortgage							
DISCHARGED BY 165700 ASST. DEP. LAND REG.								
161512	Transfer	14 June 1966	7 July 1966	William Spittle and Irene Spittle	The Corporation of the County of Halton		[illegible]	
161513	Mortgage	14 June 1966	7 July 1966	William Spittle and Irene Spittle	The Corporation of the County of Halton		[illegible]	
161514	Assignment of Rents re Mortgage	14 June 1966	7 July 1966	William Spittle and Irene Spittle	The Corporation of the County of Halton		[illegible]	
161515	Mortgage	14 June 1966	7 July 1966	William Spittle and Irene Spittle	The Corporation of the County of Halton		[illegible]	
161516	Assignment of Rents re Mortgage	14 June 1966	7 July 1966	William Spittle and Irene Spittle	The Corporation of the County of Halton		[illegible]	
161517	Mortgage	14 June 1966	7 July 1966	William Spittle and Irene Spittle	The Corporation of the County of Halton		[illegible]	
161518	Assignment of Rents re Mortgage	14 June 1966	7 July 1966	William Spittle and Irene Spittle	The Corporation of the County of Halton		[illegible]	
161519	Mortgage	14 June 1966	7 July 1966	William Spittle and Irene Spittle	The Corporation of the County of Halton		[illegible]	
161520	Assignment of Rents re Mortgage	14 June 1966	7 July 1966	William Spittle and Irene Spittle	The Corporation of the County of Halton		[illegible]	
161521	Assignment of Mortgage	7 July 1966	7 July 1966	Radom Investments Limited	The Corporation of the County of Halton		[illegible] DISCH 216850	
161523	Assignment of Mortgage	13 July 1966	13 July 1966	Acorn Investments Limited	The Corporation of the County of Halton		[illegible]	
161635	Transfer	15 June 1965	11 June 1965	Canadian Mortgage Company Limited	Mortgage Canada Limited		[illegible]	
187306	Deed	2 July 1965	26 July 1965	Samuel Goldstein & Fanny Goldstein, his wife	Pierre Brown		part of lot 85 comp. as in Lou Dist. by 61055 save & except 123421	
161522	Deed	1966	1966	[illegible]	[illegible]		[illegible]	
161524	Deed	1966	1966	[illegible]	[illegible]		[illegible]	
161525	Deed	1966	1966	[illegible]	[illegible]		[illegible]	

Land Registry Records for Lot 85, Plan 99
Source: Halton Land Registry

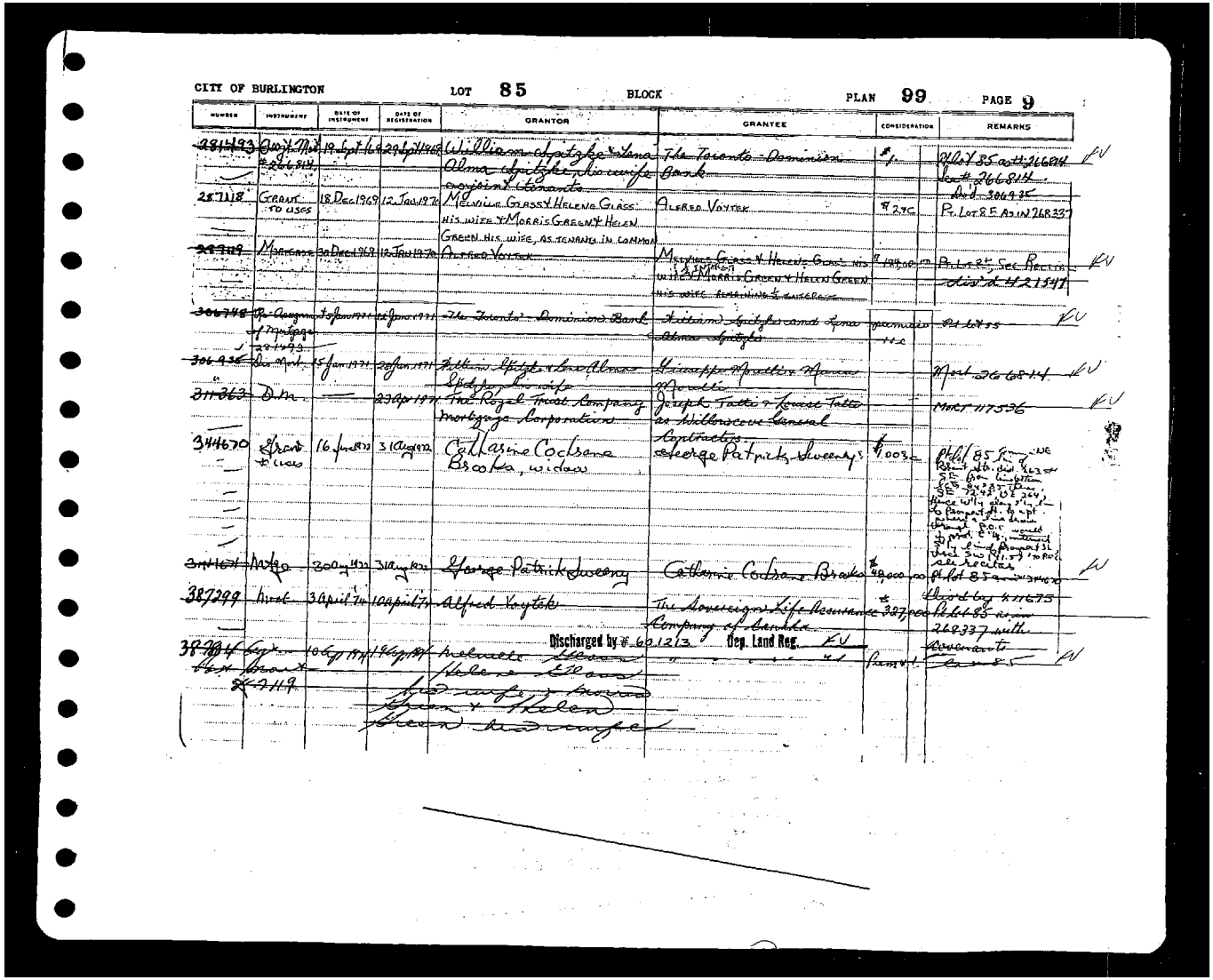
APPENDIX
SUPPORTING DOCUMENTS



CITY OF BURLINGTON — LOT 85 — BLOCK — PLAN 99

NUMBER	INSTRUMENT	DATE OF INSTRUMENT	DATE OF REGISTRATION	GRANTOR	GRANTEE	CONSIDERATION	REMARKS
264722	Cer	29 Jan 1969	7 Feb 1969	John Alexis Minister of Revenue	Irene Harold Hyman Collins		Assent 85
264723	Cer	29 " " "	" " "	" " "	Ronald Jay Collins		" " 85
264724	Deed	29 " "	7 Feb "	Barbara Collins Wolfman & Jack Sydney Middents Spin of Jay Collins widow dec'd who on her Lifetime was married to Harold Hyman Collins	Mel Gleam	1	Assent 85
264725	" "	29 Jan "	7 " "	Barbara Collins Wolfman & Jack Sydney Middents Spin of Jay Collins widow, dec'd	Helene Gleam	1	Assent 85
266813	Grant	17 Feb 1969	18 Mar 1969	William Spitzke and Lena Alma Spitzke his wife	Giuseppe Morelli and Maria Morelli his wife, joint tenants	$10.00	Pt Lot 85 comm at ... 112.0' ... 152.0' ... 79.0' ... NW 112.0' ... 132.0' ...
~~266814~~	~~Mortgage~~	~~15 Mar 1969~~	~~18 Mar 1969~~	~~Giuseppe Morelli & Maria Morelli his wife joint tenants~~	~~William Spitzke and Lena Alma Spitzke his wife, joint tenants on joint account~~	~~26,000~~	~~Lot 85, as in~~ ~~#266813~~ ~~#281443~~ ~~Discl 306985~~
~~266850~~	~~Vac Mort~~	~~17 Feb 1969~~	~~18 Mar 1969~~	~~Est William Kench~~	~~William Spitzke & Lena Alma Spitzke his wife~~		~~Mort 169590~~
~~268038~~	~~Cer~~	~~4 Mar 1969~~	~~8 Apr 1969~~	~~James B. Gleam Exec of Estate~~	~~Lands Gleam~~		~~Pt Lot 85 as in 103723~~
~~268232~~	~~Grant~~	~~26 Mar 1969~~	~~1 Apr 1969~~	~~Spectrol Gleam Helene Gleam Company Limited~~	~~Spectrol Gleam Company Limited~~	~~350,000~~	~~Pt Lot 85 as in 103723 Pt 3 20R-3332 Pt 1 20R-3332 Pt 1 20R-3332 Pt 1

APPENDIX
SUPPORTING DOCUMENTS



CITY OF BURLINGTON LOT 85 BLOCK PLAN 99 PAGE 9

NUMBER	INSTRUMENT	DATE OF INSTRUMENT	DATE OF REGISTRATION	GRANTOR	GRANTEE	CONSIDERATION	REMARKS
281493	Quit Mtge	19 Sept 1969	22 Sept 1969	William Apatzke & Alma Apatzke his wife jointly & Toronto	The Toronto-Dominion Bank	$1.	Plot 85 as in 316044 Ins # 266814
287118	Grant TO USES	18 Dec 1969	12 Jan 1970	Melvin Grass & Helena Grass his wife & Morris Green & Helen Green his wife, as tenants in common	Alfred Voytek	$275.	Pt. Lot 85 As in 268337
287119	Mortgage	30 Dec 1969	12 Jan 1970	Alfred Voytek	Melvin Grass & Helena Grass his wife & Morris Green & Helen Green his wife, as tenants in common	$ 19000.00	Pt. Lot 85 See Reg'n Dis'd # 21547
306748	Re-Assign of Mortgage 281493	1 Jan 1971	12 Jan 1971	The Toronto-Dominion Bank	William Apatzke and Lena Alma Apatzke	$1.00	Pt. Lot 85
306936	Discharge	15 Jan 1971	20 Jan 1971	William Apatzke & Lena Alma Apatzke his wife	Giuseppe Aurelio Morelli		Mort 266814
311363	Discharge		23 Apr 1971	The Royal Trust Company Mortgage Corporation	Joseph Tutte & Louise Tutte as Willowcove General Contractors		Mort 317536
344670	Grant & USES	16 June 1972	3 Aug 1972	Catharine Cochsane Brooks, widow	George Patrick Sweeny	$1.00	Pt. Lot 85
344671	Mtge	30 June 1972	31 July 1972	George Patrick Sweeny	Catharine Cochsane Brooks	$ 40,000.00	Pt. Lot 85
387299	Mtge	30 April 1974	10 April 1974	Alfred Voytek	The Sovereign Life Assurance Company of Canada	$ 337,000.00	Lloyd by # 71675 Pt. Lot 85 as in 266814 & 268337 with Covenants
389334	Discharge of Mtge 287119	10 Sept 1974	16 Sept 1974	Melvin Grass & Helena Grass & Morris Green & Helen Green his wife			

Discharged by # 60123 Dep. Land Reg. KV

Land Registry Records for Lot 85, Plan 99
Source: Halton Land Registry

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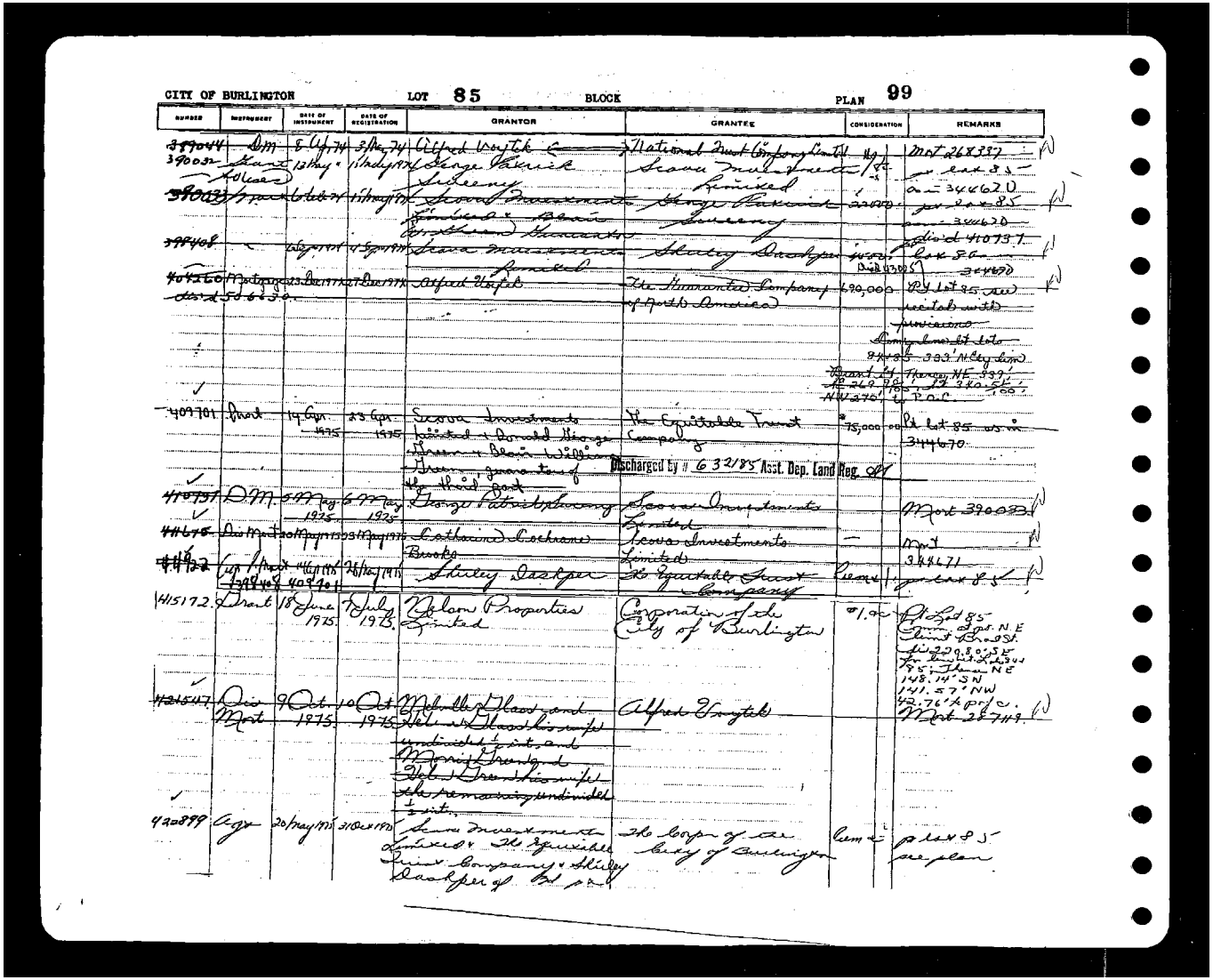
SUPPORTING DOCUMENTS



CITY OF BURLINGTON — LOT 85 — BLOCK — PLAN 99

NUMBER	INSTRUMENT	DATE OF INSTRUMENT	DATE OF REGISTRATION	GRANTOR	GRANTEE	CONSIDERATION	REMARKS
389044	DM	8 Oct 74	3 Dec 74	Alfred Voytek	National Trust Company Limited		Mort 268337
390032	Grant	15 May 1975	15 May 1975	George Patrick Sweeney	Seava Investments Limited		pt lot 85
390033	Grant	15 May 1975	15 May 1975	Seava Investments Limited	George Patrick Sweeney		as 344620 pt lot 85
390034	Grant	15 May 1975	15 May 1975	George Patrick Sweeney	Stanley Dashper		as 344620 pt lot 85
390035	Grant	15 May 1975	15 May 1975	Seava Investments Limited	Stanley Dashper		subd 41073 T pt lot 85
401160	Mortgage	23 Dec 1975	23 Dec 1975	Alfred Voytek	The Dominion Company of North America	690,000	Pt Lot 85 as in 344620 subject to provisions Dom Land Act into 9 Pt 85 383' N Cty limit Grant by Thos. NE 339 ft 269 196 ft 340.50 NW 276 ft to P.O.C.
409701	Grant	14 Apr 1975	23 Apr 1975	Seava Investments Limited & Donald Hoop & Blair Williams & Thomas Grant of the third part	The Equitable Trust Company	35,000	Pt Lot 85 as in 344670 Discharged by # 632185 Asst. Dep. Land Reg.
410737	DM	5 May 1975	6 May 1975	George Patrick Sweeney	Seava Investments Limited		Mort 390033
411675	Dis Mort	13 May 1975	13 May 1975	Lathan & Cochrane Brooks	Seava Investments Limited	—	Mort 394471
411732	Cert	14 May 1975	26 May 1975	Stanley Dashper	The Equitable Trust Company	Nom	pt Lot 85
415172	Grant	18 June 1975	7 July 1975	Nolan Properties Limited	Corporation of the City of Burlington	$1.00	Pt Lot 85 Comm. 330' N.E Limit Dundas St. as 339.80' SE to Limit 2 2,534 SE St. NE 148.14' SN 141.57' NW 42.76' Apprx. Mort 287119
415547	Dis Mort	9 Oct 1975	10 Oct 1975	Melville Blood and Helen Blood his wife undivided 1/2 int. and Margaret Brundage Est. Brundage his wife the remaining undivided 1/2 int.	Alfred Voytek		
420899	Agr	20 May 1975	31 Dec 1975	Seava Investments Limited & The Equitable Trust Company & Stanley Dashper of Bd	The Corp of the City of Burlington	Nom	plan 85 J see plan

Land Registry Records for Lot 85, Plan 99
Source: Halton Land Registry

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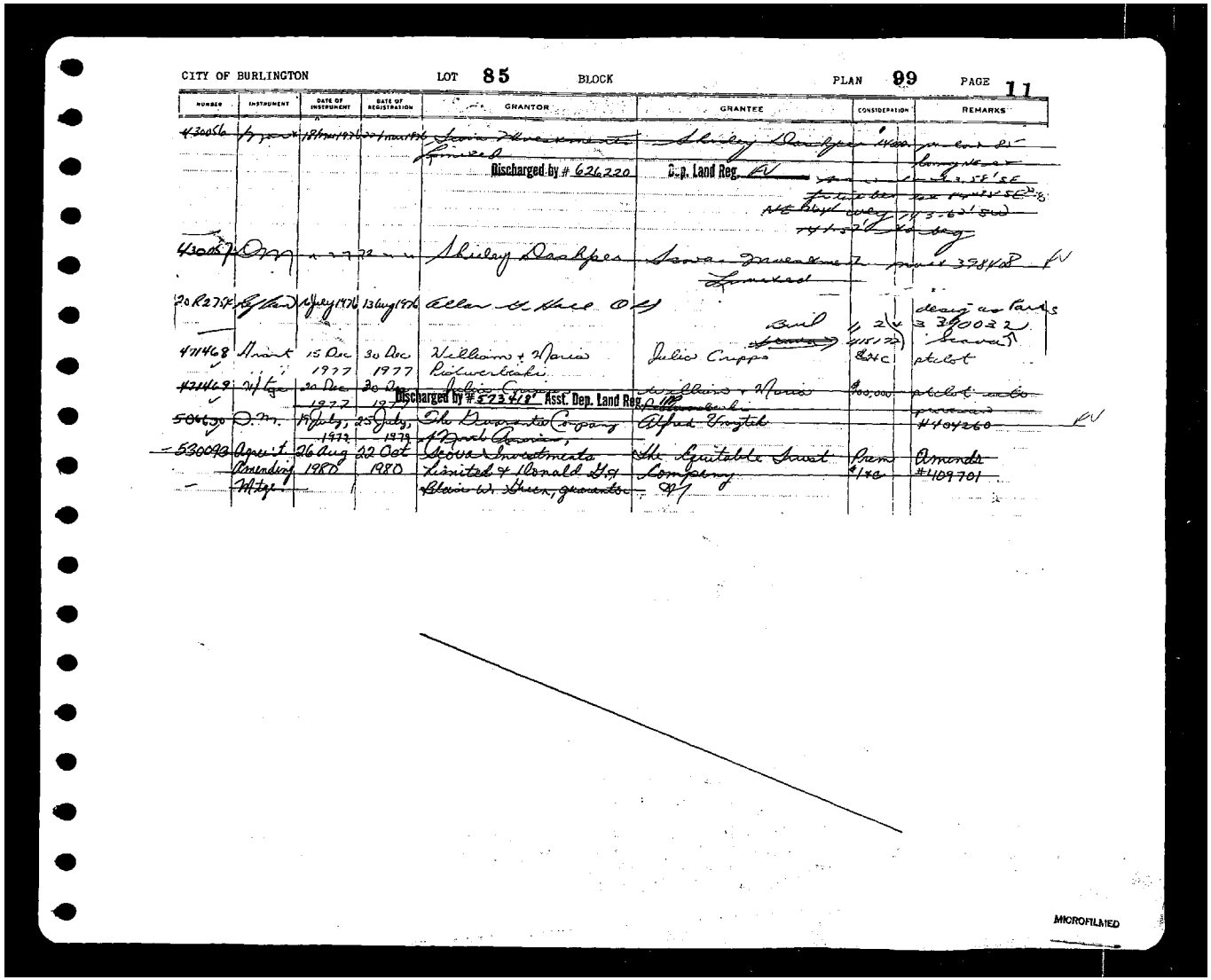
SUPPORTING DOCUMENTS



CITY OF BURLINGTON LOT 85 BLOCK PLAN 99 PAGE 11

NUMBER	INSTRUMENT	DATE OF INSTRUMENT	DATE OF REGISTRATION	GRANTOR	GRANTEE	CONSIDERATION	REMARKS
430056		18 Mar 1974	1 March 1974	Shirley Dashfee	Town Investments Limited		
				Discharged by # 626220	C.P. Land Reg.		
430057		1972		Shirley Dashfee	Town Investments Ltd		
					Homestead		
20R2747		1 July 1976	13 Aug 1976	Allan H. Hess			
471468	Grant	15 Dec 1977	30 Dec 1977	Williams + Morris Richardson	Julie Cuppo		
471469		30 Dec 1977	30 Dec 1977	Julie Cuppo	Williams + Morris		
				Discharged by # 573478 Asst. Dep. Land Reg.			
506130	O.M.	15 July, 1972	25 July, 1972	The Dominion Company	Alfred Vogtle		#404260
530099	Agreement Amending Agreement	26 Aug 1980	22 Oct 1980	Town Investments Limited + Donald Hy Blair W. Hess, grantor	The Equitable Trust Company	Prem $1.00	Amends #409701

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Land Registry Records for Lot 85, Plan 99
Source: Halton Land Registry

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PAGE NO. LOT 85 PLAN 99 BURLINGTON

REGISTRATION NUMBER	INSTRUMENT	DATE OF INSTRUMENT	REGISTRATION DATE (day/month/yr.)	GRANTOR	GRANTEE	CONSIDERATION ETC.	LAND AND REMARKS
566394	Deed		16 11 82	Estate of Ruth Tresham	TRESHAM, Howard R.	Powers vested & $2.00	Pt. Comm. W ang.; Thence NE 125' SE 40' SW 125' NW 40' to p. of b.
581281	Deed		20 07 83	Scova Investments Limited	The Corporation Of The City Of Burlington	$2. & c	Pt. des. Pt. 3 on 20R-2754.
581284	Deed		20 07 83	The Corporation Of The City Of Burlington	Scova Investments Limited	$2. & c	Pt. des. Pt. 2 on 20R-2754.
~~582994~~	~~P.D.M.~~		~~12 08 83~~	~~The Equitable Trust Company~~	~~Scova Investments Limited~~	~~$2.~~	~~M #409701. Pt. des as Pt. 3 on 20R-2754~~
Discharged by #	Asst. Dep. Land Reg.						
582995	P.D.M.		12 08 83	DASHPER, Shirley	Scova Investments Limited	$2.	M #430056. Pt. des as Pt. 3 on 20R-2754
590771	Grant		01 12 83	Scova Investments Limited	Pro-Brant Group Limited		1st'ly-Part Com'g NE lim Brant St. dist 263.58' SE from W'ly angle lot Thence SE 72.42' NE 264' SW 143.62' SW 141.55' to POC with exception 2nd'ly-Part des as part 2 on 20R-2754
~~591891~~	~~Lodgement Title~~		~~19 12 83~~	~~Burnhill Realty Limited~~	~~Cuna of Ontario Credit Union Limited~~		~~1st'ly: Pt. Com'g SW ang Lot. Then NW 72.42', NE 141.55', NE 143.62', SW 264.' to p.o.b. With exception. 2nd'ly: Pt des as Pt 2 on 20R-2754~~
Discharged by # 613241	Asst. Dep. Land Reg.						
599399	Mort		15 05 84	VOYTEK, Alfred	Canada Trustco Mortgage Company	$164,000.	Part Comm. pt. line bet. lots 84 & 85, 323' NE fr. NE limit Brant St.; Thence NE 339' SE 269.99' SW 340.51' NW 270' to p. of c.
599400	Assignment		15 05 84	VOYTEK, Alfred	Canada Trustco Mortgage Company		Part Comm. line bet. lots 84 & 85 323' NE fr. NE limit Brant St.; Thence NE 339' SE 269.99' SW 340.51' NW 270' to p. of c.
~~613243~~	~~Lodgement Title~~		~~28 01 85~~	~~Pro-Brant Group Limited~~	~~Cuna of Ontario Credit Union Limited~~		~~1st'ly: Pt. Com'g SW ang. lot. Thece NW 72.42' NE 141.55' NE 143.62' SW 264.' to p.o.b. With Exception 2nd'ly: Part des. as PART2 on 20R-2754.~~
Discharged by # 831981	Asst. Dept. Land Reg.						

FORM A-4-15 (1/85)

continued next page

Land Registry Records for Lot 85, Plan 99
Source: Halton Land Registry

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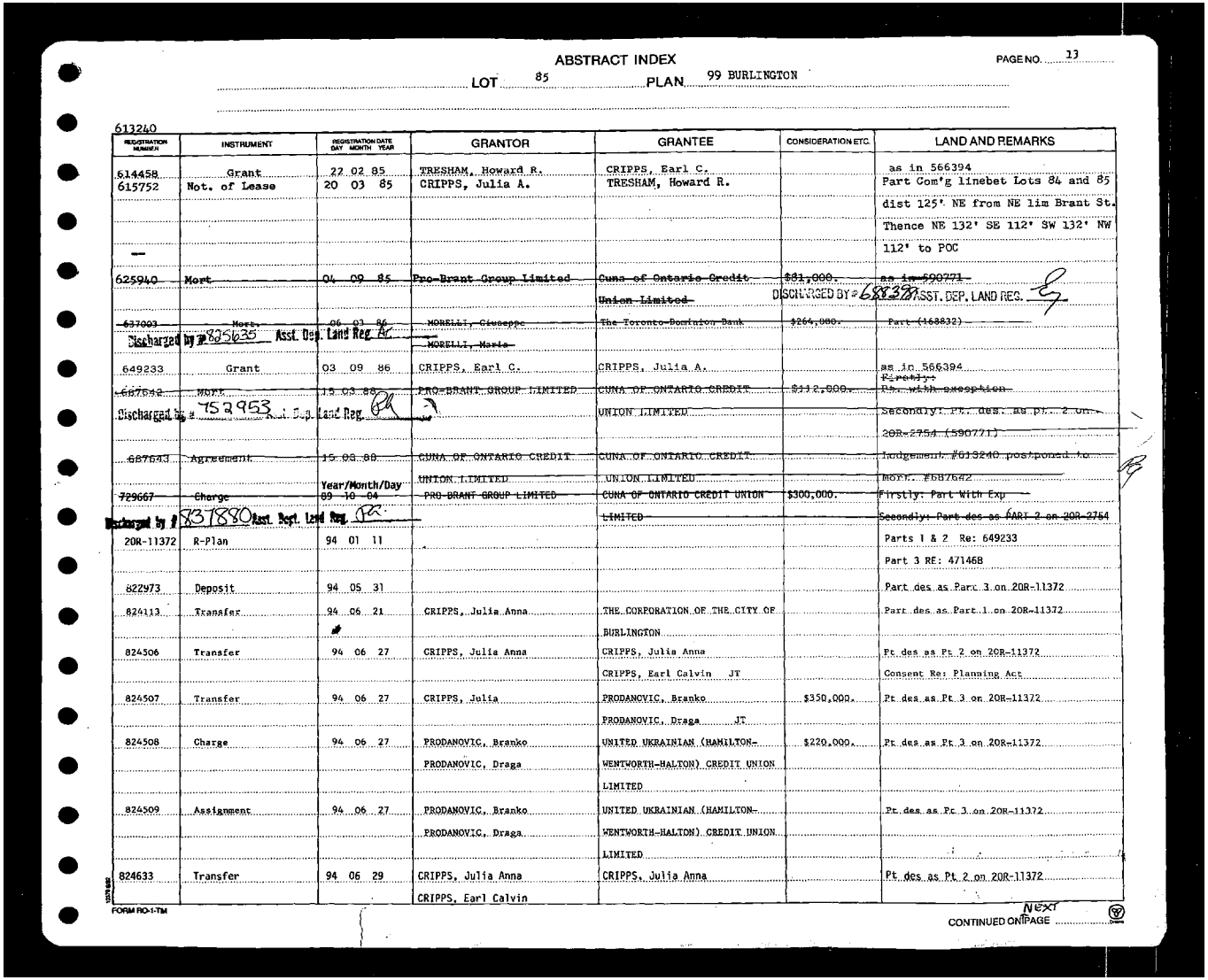

ABSTRACT INDEX

PAGE NO. 13

LOT 85 PLAN 99 BURLINGTON

613240

REGISTRATION NUMBER	INSTRUMENT	REGISTRATION DATE DAY MONTH YEAR	GRANTOR	GRANTEE	CONSIDERATION ETC.	LAND AND REMARKS
614458	Grant	22 02 85	TRESHAM, Howard R.	CRIPPS, Earl C.		as in 566394
615752	Not. of Lease	20 03 85	CRIPPS, Julia A.	TRESHAM, Howard R.		Part Com'g linebet Lots 84 and 85 dist 125' NE from NE lim Brant St. Thence NE 132' SE 112' SW 132' NW 112' to POC
625940	Mort.	04 09 85	Pro-Brant Group Limited	Cuna of Ontario Credit Union Limited	$81,000.	as in 590771 DISCHARGED BY # 688239 ASST. DEP. LAND REG.
637003	Mort.	06 03 86	MORELLI, Giuseppe MORELLI, Maria	The Toronto-Dominion Bank	$264,000.	Part (168832)
Discharged by # 825635 Asst. Dep. Land Reg.						
649233	Grant	03 09 86	CRIPPS, Earl C.	CRIPPS, Julia A.		as in 566394 Firstly: Pt. with exception
687642	Mort.	15 03 88	PRO-BRANT GROUP LIMITED	CUNA OF ONTARIO CREDIT UNION LIMITED	$332,000.	Secondly: Pt. des. as pt. 2 on 20R-2754 (590771)
Discharged by # 752953 Asst. Dep. Land Reg.						
687643	Agreement	15 03 88	CUNA OF ONTARIO CREDIT UNION LIMITED	CUNA OF ONTARIO CREDIT UNION LIMITED		Judgement #613240 postponed to Mort. #687642
729667	Charge	Year/Month/Day 89 10 04	PRO-BRANT GROUP LIMITED	CUNA OF ONTARIO CREDIT UNION LIMITED	$300,000.	Firstly: Part With Exp Secondly: Part des as PART 2 on 20R-2754
Discharged by # 837880 Asst. Dept. Land Reg.						
20R-11372	R-Plan	94 01 11				Parts 1 & 2 Re: 649233 Part 3 RE: 471468
822973	Deposit	94 05 31				Part des as Parc 3 on 20R-11372
824113	Transfer	94 06 21	CRIPPS, Julia Anna	THE CORPORATION OF THE CITY OF BURLINGTON		Part des as Part 1 on 20R-11372
824506	Transfer	94 06 27	CRIPPS, Julia Anna	CRIPPS, Julia Anna CRIPPS, Earl Calvin JT		Pt des as Pt 2 on 20R-11372 Consent Re: Planning Act
824507	Transfer	94 06 27	CRIPPS, Julia	PRODANOVIC, Branko PRODANOVIC, Draga JT	$350,000.	Pt des as Pt 3 on 20R-11372
824508	Charge	94 06 27	PRODANOVIC, Branko PRODANOVIC, Draga	UNITED UKRAINIAN (HAMILTON-WENTWORTH-HALTON) CREDIT UNION LIMITED	$220,000.	Pt des as Pt 3 on 20R-11372
824509	Assignment	94 06 27	PRODANOVIC, Branko PRODANOVIC, Draga	UNITED UKRAINIAN (HAMILTON-WENTWORTH-HALTON) CREDIT UNION LIMITED		Pt des as Pt 3 on 20R-11372
824633	Transfer	94 06 29	CRIPPS, Julia Anna CRIPPS, Earl Calvin	CRIPPS, Julia Anna		Pt des as Pt 2 on 20R-11372

FORM RO-1-TM

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Land Registry Records for Lot 85, Plan 99
Source: Halton Land Registry

APPENDIX
SUPPORTING DOCUMENTS

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ABSTRACT INDEX

LOT 85 PLAN 99 BURLINGTON

824633

REGISTRATION NUMBER	INSTRUMENT	REGISTRATION DATE YEAR MONTH DAY	GRANTOR	GRANTEE	CONSIDERATION ETC.	LAND AND REMARKS
827785	Transfer	94 08 30	CRIPPS, Julia Anna	ALFORD, David Lawrence	$115,000.	Part des as PART 2 on 20r-11372
				ALFORD, Jessica May JT		
827786	Charge	94 08 30	ALFORD, David Lawrence	CRIPPS, Julia Anna	$103,500.	Part des as PART 2 on 20R-11372
			ALFORD, Jessica May			
835346	Transfer	95 02 28	PRO-BRANT GROUP LIMITED	LY, Khai Tuyen	$220,000.	FIRSTLY: Pt With Exp
				LEE, Donna Yik JT		SECONDLY: Pt des as Pt 2 on 20R-2754
835347	Charge	95 02 28	LY, Khai Tuyen	LAURENTIAN BANK OF CANADA	$110,000.	FIRSTLY: Pt With Exp
			LEE, Donna Yik			SECONDLY: Pt des as Pt 2 on 20R-2754
835348	Assignment	95 02 28	LY, Khai Tuyen	LAURENTIAN BANK OF CANADA		FIRSTLY: Pt With Exp
			LEE, Donna Yik			SECONDLY: Pt des as Pt 2 on 20R-2754
847650	By-Law	95 12 21		THE CORPORATION OF THE CITY OF		Pt des as Pt 1 on 20R-11372 & OL
	18-1995			BURLINGTON		To assume and declare parcels of land in
						the City of Burlington as part of the
						Public Highway - North Service Road, Appleby
						Line, Guelph Line, No. 2 Side Road, Pine
						Street, Lockhart Road, Brant Street,
						Raymore Drive, South Service Road, Tyrrell
						Road, Harold Road, Industrial Street,
						King Road, Emery Avenue and Masonry Court

NOTICE

The land in this abstract index is designated as of

SEP 2 3 1996

under part II of the Land Titles Act as qualified properties are registered under the Land Titles Act pursuant to Sec. 32. All Registrations subsequent to that date are recorded in the parcel register set out in Subsection 141(6) of the Land Titles Act.

FORM RO-1-TM

CONTINUED ON PAGE .....

Land Registry Records for Lot 85, Plan 99
Source: Halton Land Registry

Ontario ServiceOntario

PARCEL REGISTER (ABBREVIATED) FOR PROPERTY IDENTIFIER

LAND REGISTRY OFFICE #20 | 07076-0383 (LT) | PAGE 1 OF 2 PREPARED FOR ATA ARCHITECTS ON 2022/08/23 AT 15:11:37

* CERTIFIED IN ACCORDANCE WITH THE LAND TITLES ACT * SUBJECT TO RESERVATIONS IN CROWN GRANT *

PROPERTY DESCRIPTION: FIRSTLY: PT LT 1 , PL 125 , AS IN 662884 EXCEPT PT 1, 20R-9944 ; T/W 744916 ; SECONDLY: PT LT 85 , RCP PL99 , AS IN 835346; CITY OF BURLINGTON

PROPERTY REMARKS:

ESTATE/QUALIFIER:
FEE SIMPLE
LT CONVERSION QUALIFIED

RECENTLY:
CONSOLIDATION FROM 07076-0017, 07076-0272

PIN CREATION DATE:
2022/05/24

OWNERS' NAMES
BRANT INVESTMENT HOLDINGS INC.

CAPACITY SHARE
ROWN

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/ CHKD
** PRINTOUT INCLUDES ALL DOCUMENT TYPES AND DELETED INSTRUMENTS SINCE 2022/05/24 **						
**SUBJECT, ON FIRST REGISTRATION UNDER THE LAND TITLES ACT, TO:						
**	SUBSECTION 44(1) OF THE LAND TITLES ACT, EXCEPT PARAGRAPH 11, PARAGRAPH 14, PROVINCIAL SUCCESSION DUTIES *					
**	AND ESCHEATS OR FORFEITURE TO THE CROWN.					
**	THE RIGHTS OF ANY PERSON WHO WOULD, BUT FOR THE LAND TITLES ACT, BE ENTITLED TO THE LAND OR ANY PART OF					
**	IT THROUGH LENGTH OF ADVERSE POSSESSION, PRESCRIPTION, MISDESCRIPTION OR BOUNDARIES SETTLED BY					
**	CONVENTION.					
**	ANY LEASE TO WHICH THE SUBSECTION 70(2) OF THE REGISTRY ACT APPLIES.					
**DATE OF CONVERSION TO LAND TITLES: 1996/09/23 **						
119980	1961/01/25	BYLAW				C
422899	1975/10/31	AGREEMENT			THE CORPORATION OF THE CITY OF BURLINGTON	C
20R2754	1976/08/13	PLAN REFERENCE				C
713605	1989/03/02	AGREEMENT			THE CORPORATION OF THE CITY OF BURLINGTON	C
HR1760362	2021/01/21	TRANSFER	$2	1246235 ONTARIO INC.	BRANT INVESTMENT HOLDINGS INC.	C
	REMARKS: PLANNING ACT STATEMENTS.					
HR1760363	2021/01/21	TRANSFER	$2	LEE, DONNA YIK LY, KHAI TUYEN	BRANT INVESTMENT HOLDINGS INC.	C
	REMARKS: PLANNING ACT STATEMENTS.					
HR1760364	2021/01/21	CHARGE		*** DELETED AGAINST THIS PROPERTY *** BRANT INVESTMENT HOLDINGS INC.	AFC MORTGAGE ADMINISTRATION INC.	
HR1760365	2021/01/21	NO ASSGN RENT GEN		*** DELETED AGAINST THIS PROPERTY ***		

NOTE: ADJOINING PROPERTIES SHOULD BE INVESTIGATED TO ASCERTAIN DESCRIPTIVE INCONSISTENCIES, IF ANY, WITH DESCRIPTION REPRESENTED FOR THIS PROPERTY.
NOTE: ENSURE THAT YOUR PRINTOUT STATES THE TOTAL NUMBER OF PAGES AND THAT YOU HAVE PICKED THEM ALL UP.

Land Registry Records for Lot 85, Plan 99
Source: Halton Land Registry

Ontario ServiceOntario

PARCEL REGISTER (ABBREVIATED) FOR PROPERTY IDENTIFIER

LAND REGISTRY OFFICE #20 | 07076-0383 (LT) | PAGE 2 OF 2 PREPARED FOR ATA ARCHITECTS ON 2022/08/23 AT 15:11:37

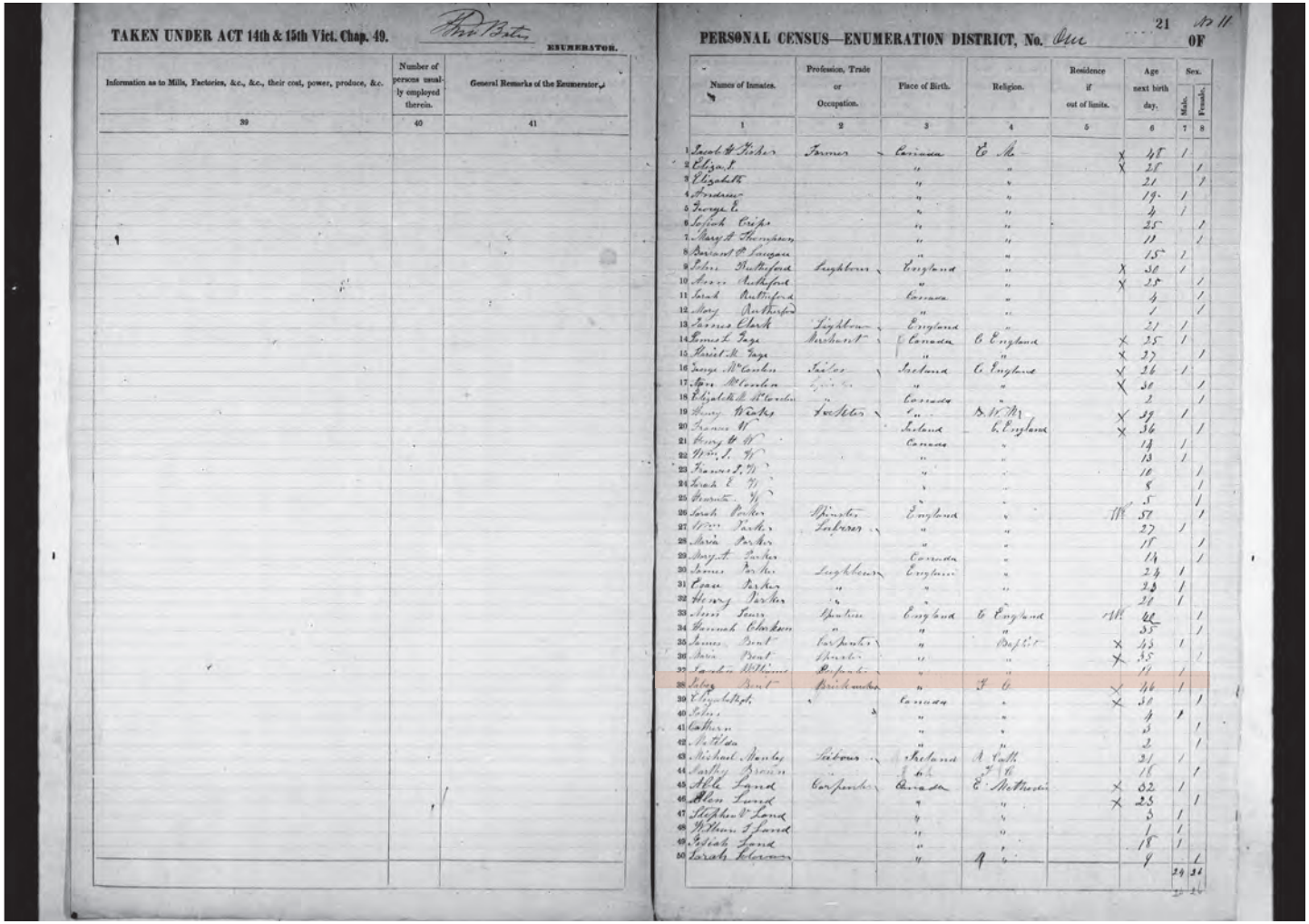
* CERTIFIED IN ACCORDANCE WITH THE LAND TITLES ACT * SUBJECT TO RESERVATIONS IN CROWN GRANT *

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/ CHKD
	REMARKS: HR1766364			BRANT INVESTMENT HOLDINGS INC.	AFC MORTGAGE ADMINISTRATION INC.	
HR1885679	2022/04/25	APL CONSOLIDATE		BRANT INVESTMENT HOLDINGS INC.		C
HR1899378	2022/06/13	DISCH OF CHARGE		*** COMPLETELY DELETED *** AFC MORTGAGE ADMINISTRATION INC.		
	REMARKS: HR1766364.					
HR1899379	2022/06/13	CHARGE	$12,500,000	BRANT INVESTMENT HOLDINGS INC.	KINGSETT MORTGAGE CORPORATION	C
HR1899380	2022/06/13	NO ASSGN RENT GEN		BRANT INVESTMENT HOLDINGS INC.	KINGSETT MORTGAGE CORPORATION	C
	REMARKS: HR1899379					

NOTE: ADJOINING PROPERTIES SHOULD BE INVESTIGATED TO ASCERTAIN DESCRIPTIVE INCONSISTENCIES, IF ANY, WITH DESCRIPTION REPRESENTED FOR THIS PROPERTY.
NOTE: ENSURE THAT YOUR PRINTOUT STATES THE TOTAL NUMBER OF PAGES AND THAT YOU HAVE PICKED THEM ALL UP.

Land Registry Records for Lot 85, Plan 99
Source: Halton Land Registry

APPENDIX
SUPPORTING DOCUMENTS



TAKEN UNDER ACT 14th & 15th Vict. Chap. 49.

ENUMERATOR.

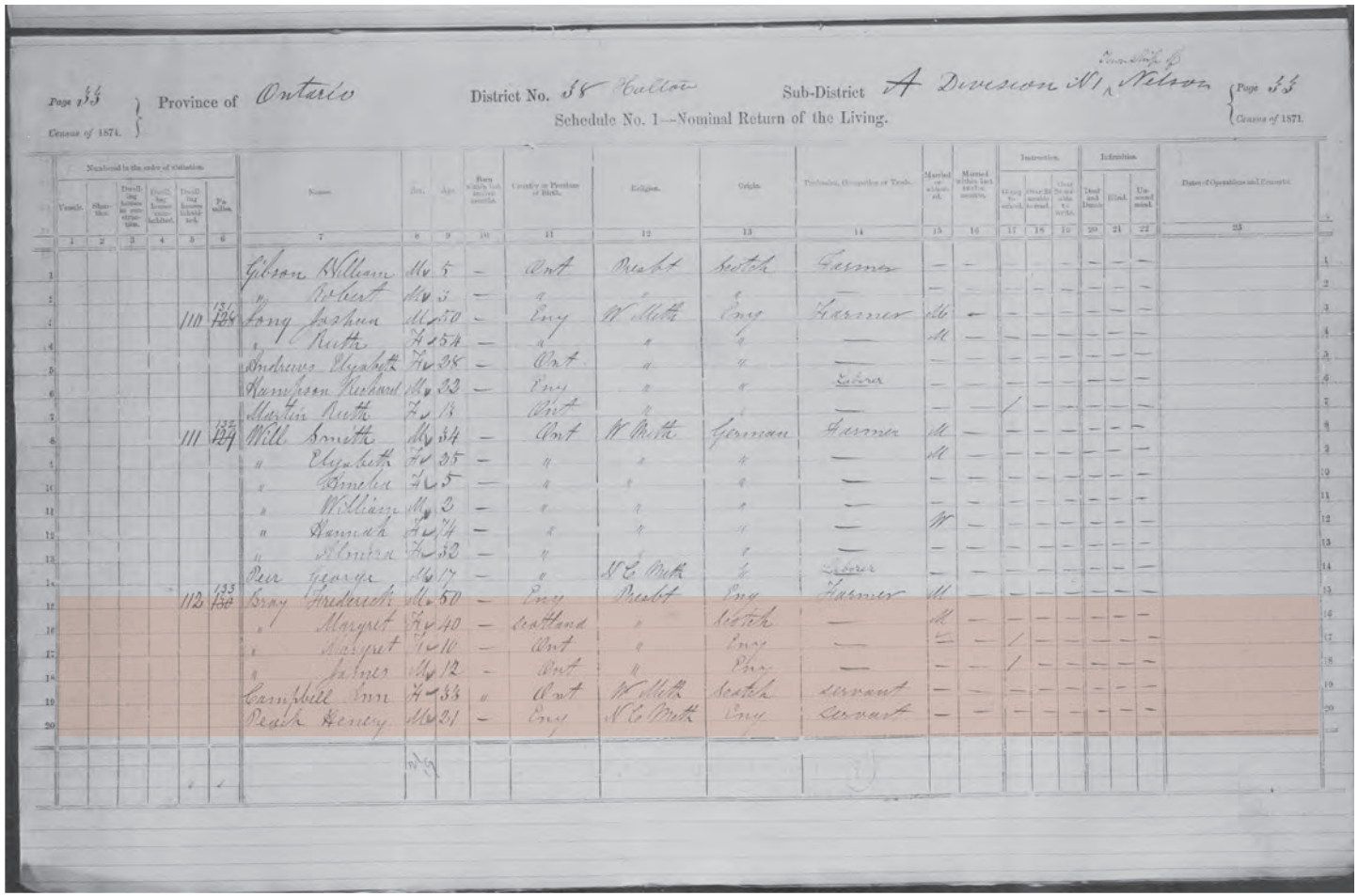
Information as to Mills, Factories, &c., &c., their cost, power, produce, &c.	Number of persons usually employed therein.	General Remarks of the Enumerator.
39	40	41

PERSONAL CENSUS—ENUMERATION DISTRICT, No. One ... 21 ... OF

Names of Inmates.	Profession, Trade or Occupation.	Place of Birth.	Religion.	Residence if out of limits.	Age next birth day.	Sex. Male.	Sex. Female.
1	2	3	4	5	6	7	8
1 Jacob A. Fisher	Farmer	Canada	E. M.	X	48	1	
2 Eliza J.		"	"	X	28		1
3 Elizabeth		"	"		21		1
4 Ferdinand		"	"		19	1	
5 George E.		"	"		4	1	
6 Sophia Crips		"	"		25		1
7 Mary A. Thompson		"	"		11		1
8 Servant C. Lavigne		"	"		15	1	
9 John Rutherford	Lighterman	England	"	X	30	1	
10 Anne Rutherford		"	"	X	25		1
11 Sarah Rutherford		Canada	"		4		1
12 Mary Rutherford		"	"		1		1
13 Barnes Clark	Lighterman	England	"		21	1	
14 Samuel Page	Merchant	Canada	C. England	X	35	1	
15 Harriet M. Page		"	"	X	37		1
16 George McCracken	Tailor	Scotland	C. England	X	26	1	
17 Ann McCracken		"	"	X	30		1
18 Elizabeth McCracken		Canada	"		2		1
19 Henry Weeks	Forwarder	Eng	D. W. M.	X	19	1	
20 Frances W.		Ireland	C. England	X	36		1
21 Henry B. W.		Canada	"		14	1	
22 Wm. J. W.		"	"		13	1	
23 Frances J. W.		"	"		10		1
24 Sarah E. W.		"	"		8		1
25 Henrietta W.		"	"		5		1
26 Sarah Parker	Minister	England	"		58		1
27 Wm. Parker	Labourer	"	"		27	1	
28 Maria Parker		"	"		18		1
29 Mary A. Parker		Canada	"		14		1
30 James Parker	Lighterman	England	"		24	1	
31 Isaac Parker	"	"	"		23	1	
32 Henry Parker	"	"	"		20	1	
33 Ann Sims	Spinster	England	C. England		60		1
34 Hannah Clarkson	"	"	"		33		1
35 James Bent	Carpenter	"	Baptist	X	43	1	
36 Sara Bent	Shoemaker	"	"	X	35		1
37 Landon McShane	Carpenter	"	"		19	1	
38 Jabez Bent	Brickmaker	"	F. C.	X	46	1	
39 Elizabeth		Canada	"	X	30		1
40 John		"	"		4	1	
41 Catherine		"	"		3		1
42 Matilda		"	"		2		1
43 Michael Manley	Labourer	Ireland	R. Cath.		31	1	
44 Martha Brown		Eng	C. E.		18		1
45 Abla Lund	Carpenter	Canada	C. Methodist	X	52	1	
46 Ellen Lund		"	"	X	25		1
47 Elizabeth Lund		"	"		3	1	
48 William J. Lund		"	"		1	1	
49 Josiah Lund		"	"		18	1	
50 Sarah Peterson		"	"		4		1
						24	31

1851 Personal Census for Household of Jabez Bent
Source: 1851 Census of Canada, Library and Archives of Canada

APPENDIX
SUPPORTING DOCUMENTS

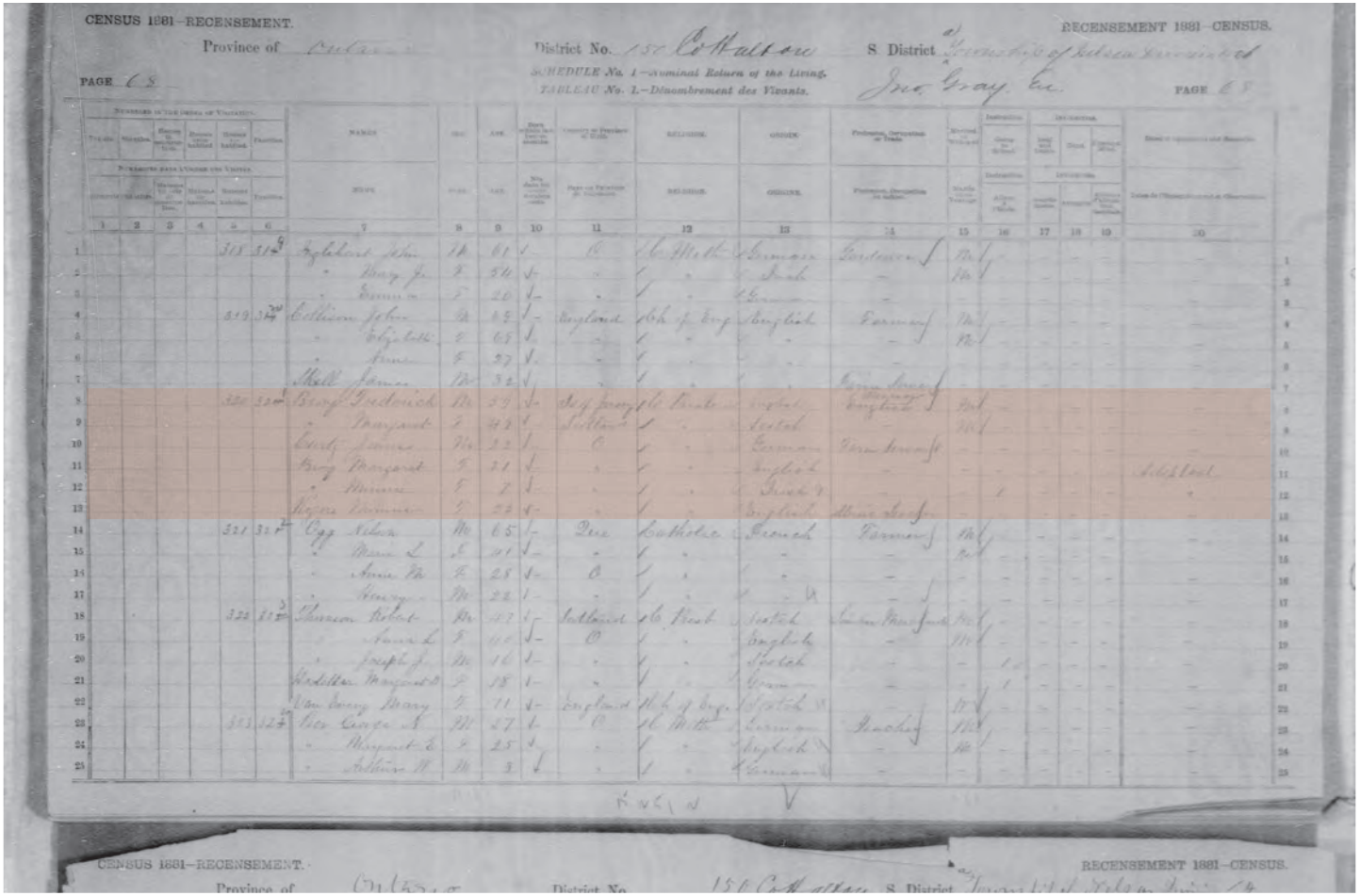


Page 33 Census of 1871. Province of Ontario District No. 38 Halton Sub-District A Division No 1, Nelson Schedule No. 1—Nominal Return of the Living. Page 33 Census of 1871.

Numbered in the order of visitation: Vessels	Shanties	Dwelling houses in corporations	Dwelling houses not included	Dwelling houses included	Families	Names	Sex	Age	Born within the Province	Country or Province of Birth	Religion	Origin	Profession, Occupation or Trade	Married or widowed	Married within the year	Instruction: Cannot read	Can read only	Can read and write	Infirmities: Deaf and Dumb	Blind	Unsound mind	Date of Operations and Remarks
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23
						Gibson William	M	5	—	Ont	Presbt	Scotch	Farmer	—	—							
						" Robert	M	3	—	"	"	"	—	—	—							
				110	124	Long Joshua	M	50	—	Eng	W Meth	Eng	Farmer	M	—							
						" Ruth	F	54	—	"	"	"	—	M	—							
						Andrews Elizabeth	F	38	—	Ont	"	"	—	—	—							
						Hamilton Richard	M	23	—	Eng	"	"	Labour	—	—							
						Martin Ruth	F	18		Ont	"	"	—	—	—		✓					
				111	125	Will Smith	M	34	—	Ont	W Meth	German	Farmer	M	—							
						" Elizabeth	F	35	—	"	"	"	—	M	—							
						" Emelia	F	5	—	"	"	"	—	—	—							
						" William	M	3	—	"	"	"	—	—	—							
						" Hannah	F	74	—	"	"	"	—	W	—							
						" Almira	F	32	—	"		"	—	—	—							
						Pew George	M	17	—	"	M E Meth	"	Labourer	—	—							
				112	126	Bray Frederick	M	50	—	Eng	Presbt	Eng	Farmer	M	—							
						" Margret	F	40	—	Scotland	"	Scotch	—	M	—							
						" Margret	F	10	—	Ont	"	Eng	—	—	—		✓					
						" James	M	12	—	Ont	"	Pres	—	—	—		✓					
						Campbell Ann	F	33	"	Ont	W Meth	Scotch	Servant	—	—							
						Peak Henry	M	21	—	Eng	M E Meth	Eng	Servant	—	—							

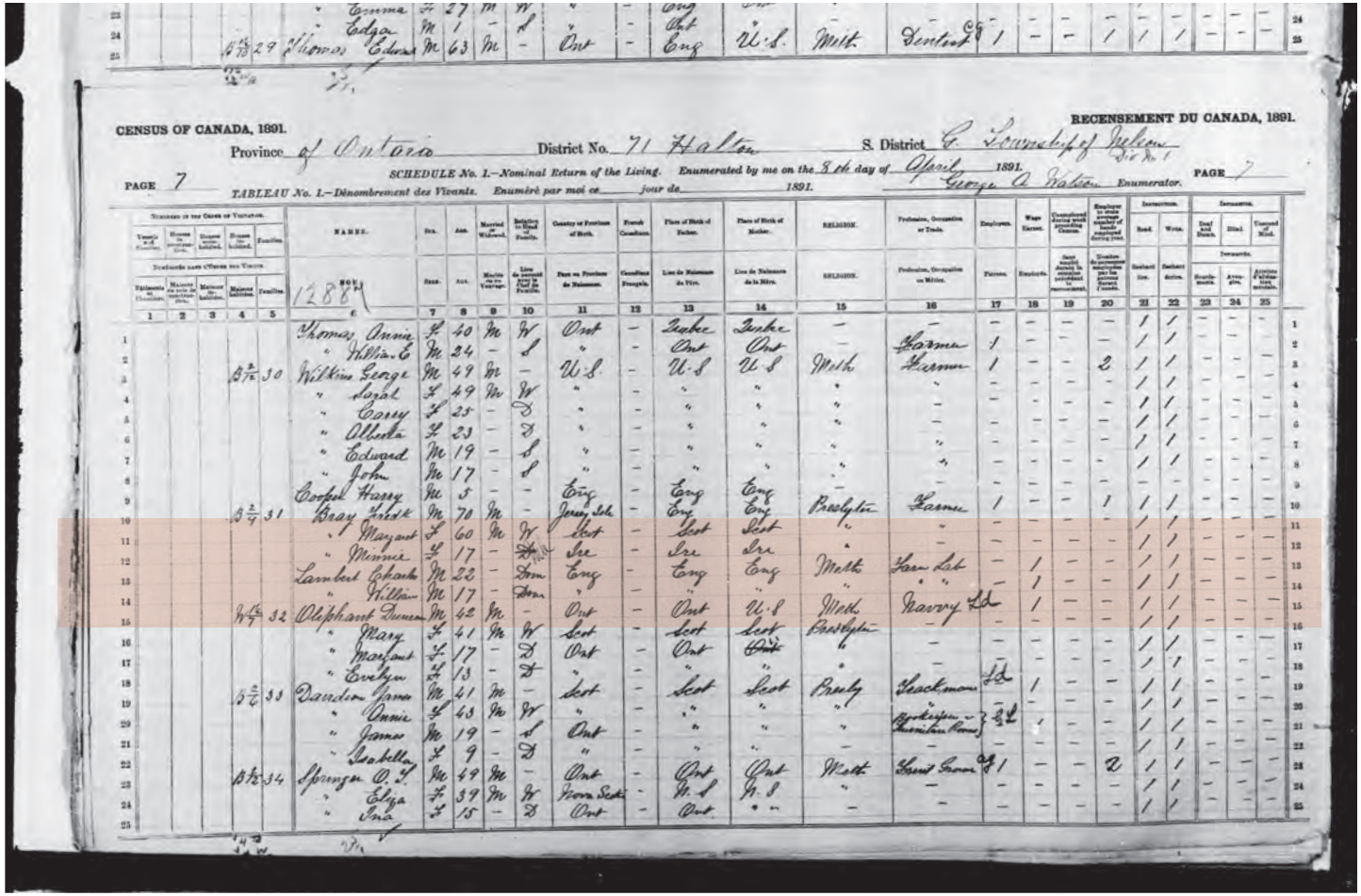
1871 Personal Census for Household of Frederick Bray
Source: 1881 Census of Canada, Library and Archives of Canada

APPENDIX
SUPPORTING DOCUMENTS



1881 Personal Census for Household of Frederick Bray
Source: 1881 Census of Canada, Library and Archives of Canada

APPENDIX
SUPPORTING DOCUMENTS



CENSUS OF CANADA, 1891.

RECENSEMENT DU CANADA, 1891.

Province of Ontario District No. 71 Halton S. District C. Township of Nelson

PAGE 7 SCHEDULE No. 1.—Nominal Return of the Living. Enumerated by me on the 8th day of April 1891.

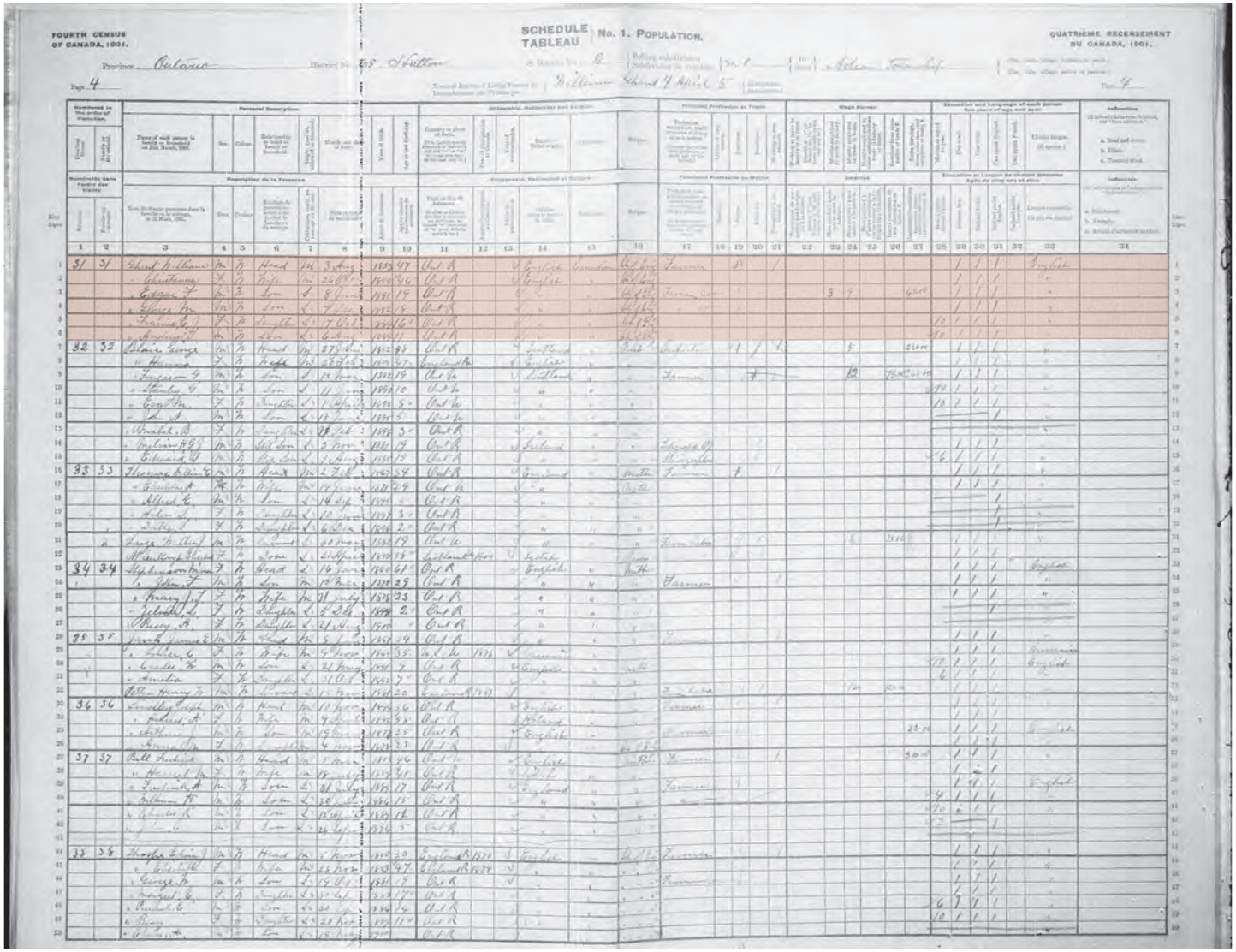
TABLEAU No. 1.—Dénombrement des Vivants. Enumeré par moi ce jour de 1891. George A Walton Enumerator.

PAGE 7

	NAMES.	Sex.	Age.	Married or Widowed.	Religion.	Country or Province of Birth.	French Canadian.	Place of Birth of Father.	Place of Birth of Mother.	RELIGION.	Profession, Occupation or Trade.	Employer.	Wage Earner.	Unemployed during week preceding Census.	Employer or other wage earner, number of hands employed during week.	Instruction. Read.	Instruction. Write.	Infirmities. Deaf and Dumb.	Infirmities. Blind.	Infirmities. Unsound of Mind.
1	Thomas Annie	F	40	M	W	Ont	—	Quebec	Quebec	—	—	—	—	—	—	/	/	—	—	—
2	" William E	M	24	—	S	"	—	Ont	Ont	"	Farmer	1	—	—	—	/	/	—	—	—
3	B 2/12 30 Wilkins George	M	49	M	—	U.S.	—	U.S	U.S	Meth	Farmer	1	—	—	2	/	/	—	—	—
4	" Sarah	F	49	M	W	"	—	"	"	"	"	—	—	—	—	/	/	—	—	—
5	" Carey	F	25	—	D	"	—	"	"	"	—	—	—	—	—	/	/	—	—	—
6	" Alberta	F	23	—	D	"	—	"	"	"	—	—	—	—	—	/	/	—	—	—
7	" Edward	M	19	—	S	"	—	"	"	"	"	—	—	—	—	/	/	—	—	—
8	" John	M	17	—	S	"	—	"	"	"	"	—	—	—	—	/	/	—	—	—
9	Corfut Harry	M	5	—	—	Eng	—	Eng	Eng	—	—	—	—	—	—	—	—	—	—	—
10	B 2/4 31 Bray Frederick	M	70	M	—	Jersey, Isle	—	Eng	Eng	Presbyter	Farmer	1	—	—	1	/	/	—	—	—
11	" Margaret	F	60	M	W	Scot	—	Scot	Scot	"	—	—	—	—	—	/	/	—	—	—
12	" Minnie	F	17	—	D	Ire	—	Ire	Ire	"	—	—	—	—	—	/	/	—	—	—
13	Lambert Charles	M	22	—	Son	Eng	—	Eng	Eng	Meth	Farm Lab	—	/	—	—	/	/	—	—	—
14	" William	M	17	—	Son	"	—	"	"	"	"	—	/	—	—	/	/	—	—	—
15	W 1/2 32 Oliphant Duncan	M	42	M	—	Ont	—	Ont	U.S	Meth	Harness M	2	/	—	—	/	/	—	—	—
16	" Mary	F	41	M	W	Scot	—	Scot	Scot	Presbyter	—	—	—	—	—	/	/	—	—	—
17	" Margaret	F	17	—	D	Ont	—	Ont	Ont	"	—	—	—	—	—	/	/	—	—	—
18	" Evelyn	F	13	—	D	"	—	"	"	"	—	—	—	—	—	/	/	—	—	—
19	B 2/4 33 Davidson James	M	41	M	—	Scot	—	Scot	Scot	Presby	Blacksmith	1	/	—	—	/	/	—	—	—
20	" Annie	F	43	M	W	"	—	"	"	"	"	—	—	—	—	/	/	—	—	—
21	" James	M	19	—	S	Ont	—	"	"	"	Brickmaker	1	/	—	—	/	/	—	—	—
22	" Isabella	F	9	—	D	"	—	"	"	"	—	—	—	—	—	/	/	—	—	—
23	B 1/2 34 Springer O. J.	M	49	M	—	Ont	—	Ont	Ont	Meth	Grist Grower	1	—	—	2	/	/	—	—	—
24	" Eliza	F	39	M	W	Ger Scot	—	U.S	U.S	"	—	—	—	—	—	/	/	—	—	—
25	" Ina	F	15	—	D	Ont	—	Ont	"	—	—	—	—	—	—	/	/	—	—	—

1891 Personal Census for Household of Frederick Bray
Source: 1891 Census of Canada, Library and Archives of Canada

APPENDIX
SUPPORTING DOCUMENTS


FOURTH CENSUS OF CANADA, 1901.

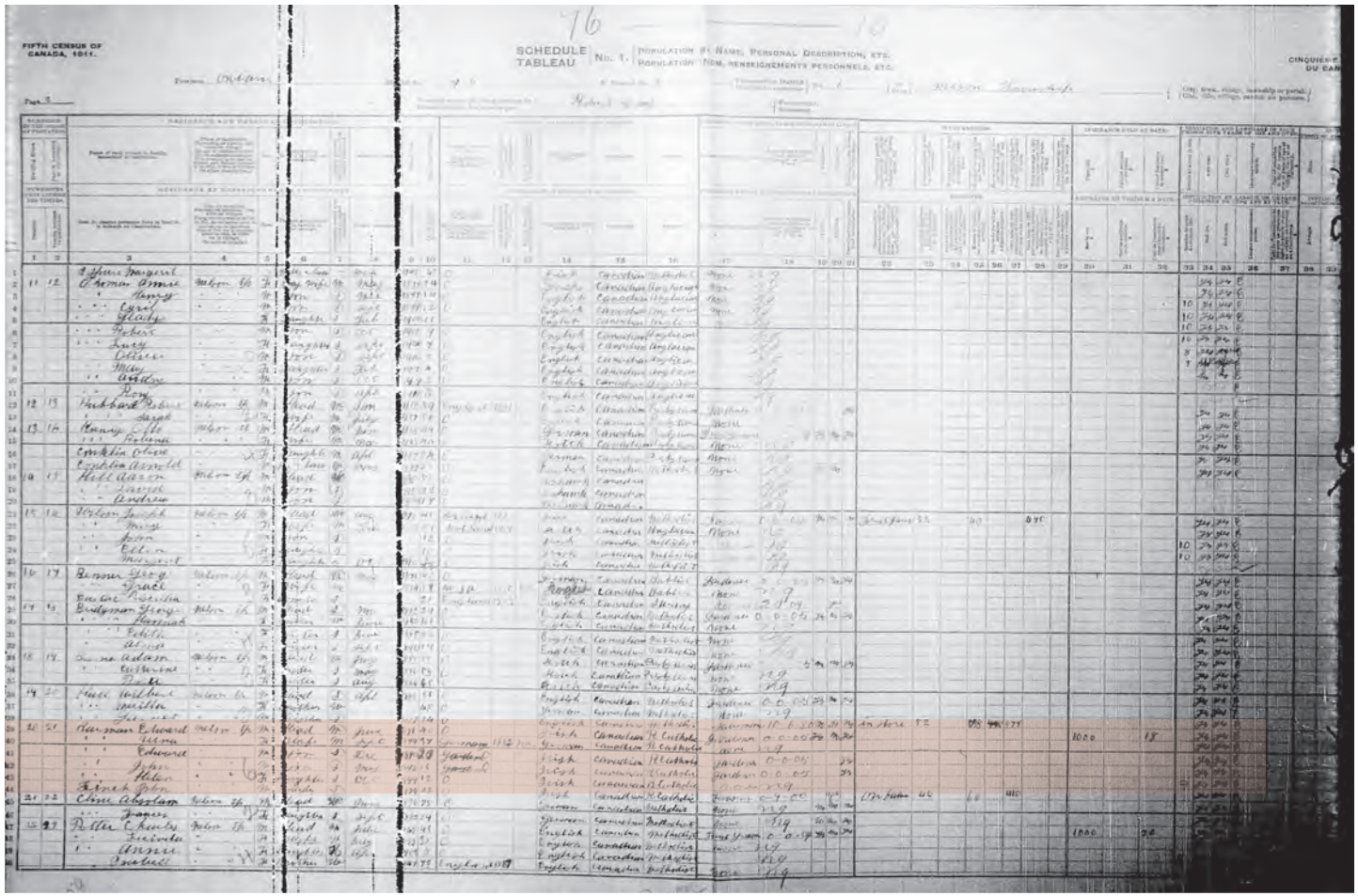
SCHEDULE No. 1. POPULATION.
TABLEAU

QUATRIÈME RECENSEMENT DU CANADA, 1901.

Province Ontario

1901 Personal Census for Household of William Grent
Source: 1881 Census of Canada, Library and Archives of Canada

APPENDIX
SUPPORTING DOCUMENTS



1901 Personal Census for Household of Edward Harman
Source: 1901 Census of Canada, Library and Archives of Canada

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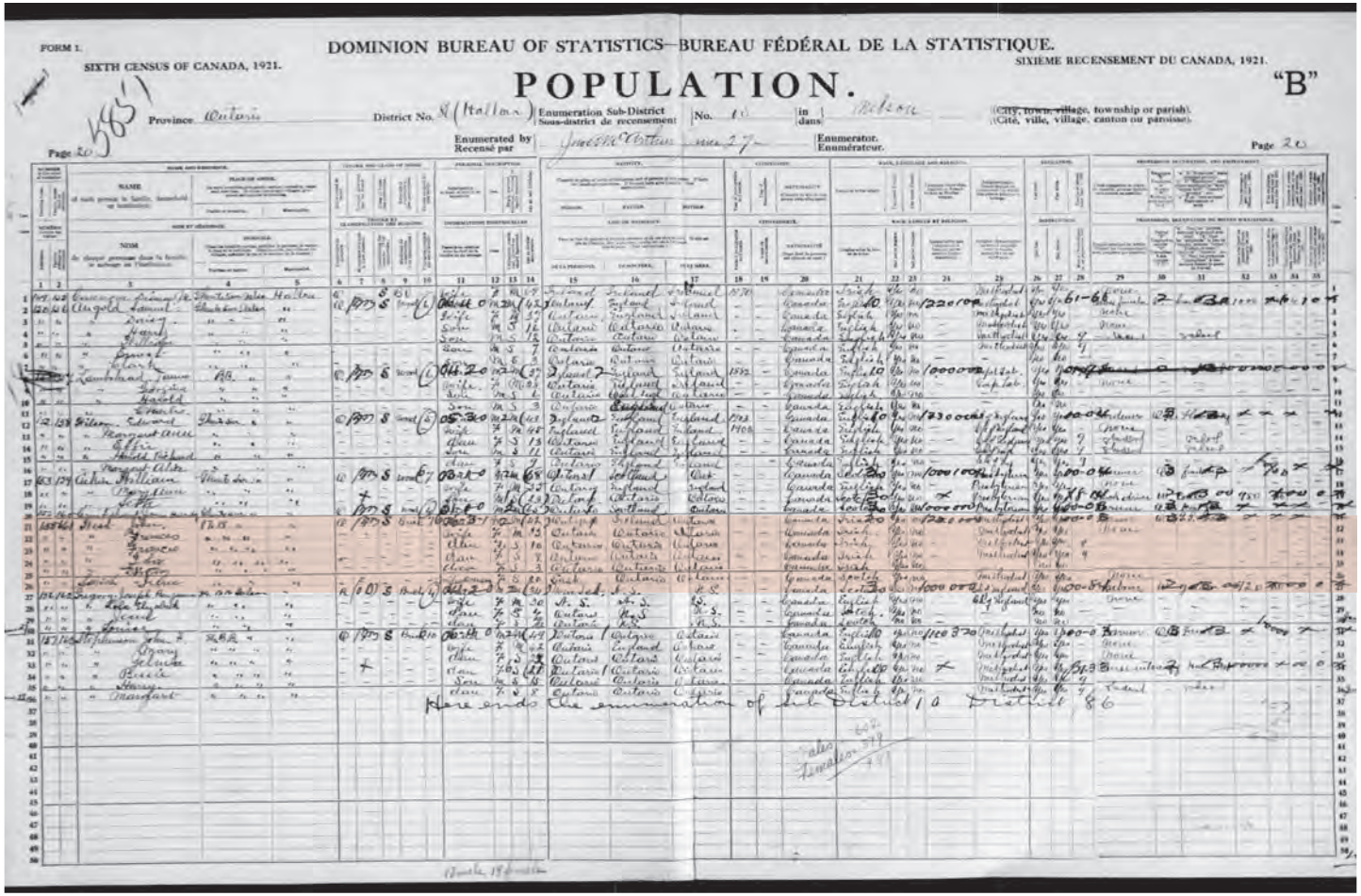
SUPPORTING DOCUMENTS


FORM 1.

SIXTH CENSUS OF CANADA, 1921.

DOMINION BUREAU OF STATISTICS—BUREAU FÉDÉRAL DE LA STATISTIQUE.

SIXIÈME RECENSEMENT DU CANADA, 1921.

POPULATION.

"B"

Province Ontario District No. 86 (Halton) Enumeration Sub-District / Sous-district de recensement No. 10 in / dans Nelson (City, town, village, township or parish. / (Cité, ville, village, canton ou paroisse.)

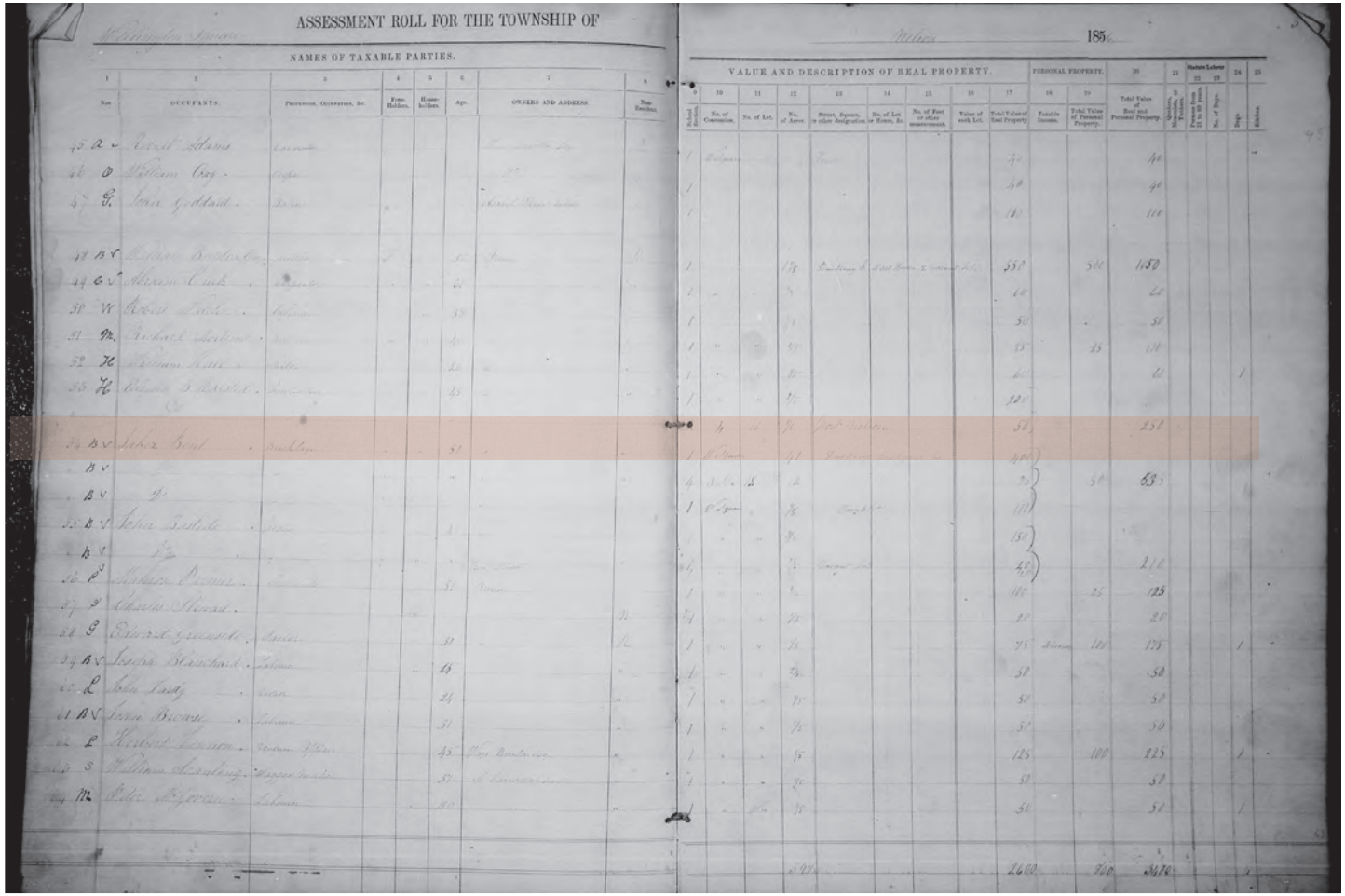
Enumerated by / Recensé par John W. Patton Enumerator. / Énumérateur.

Page 20 565 1

Here ends the enumeration of Sub District 10 District 86

1901 Personal Census for Household of William Grent
Source: 1881 Census of Canada, Library and Archives of Canada

APPENDIX
SUPPORTING DOCUMENTS


ASSESSMENT ROLL FOR THE TOWNSHIP OF

NAMES OF TAXABLE PARTIES.

VALUE AND DESCRIPTION OF REAL PROPERTY.

PERSONAL PROPERTY.

1856

1856 Tax Assessment of Jabez Bent
Source: 1586 Census of Canada, Library and Archives of Canada

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APPENDIX
JASON TRUELOVE CV

Jason Truelove, B.Arch.Sci, CAHP
Heritage Specialist

Education
Ryerson University, B.Arch. Sci., 2006

Background
Since joining ATA Architects Inc. Jason Truelove has received exposure to a wide variety of projects.

He has worked on a number of heritage assessments with his involvement encompassing documenting the existing conditions of the subject properties, research, making assessments and formatting of reports. One of the most significant examples of such work is the Historic Alderlea Due Diligence/Adaptive Reuse and Business Case Study. The project involved an initial investigation of the building in order to determine the scope of "good repair" work, research into the history of the property, case studies of similar buildings and their current uses, schematic design for proposed use of the building and associated cost estimates.

Jason has also worked on a number of renovations of institutional, public and educational facilities aiding in the preparation of working drawings and specifications and undertaking contract administration. This includes restoration/rehabilitation work for numerous heritage properties in Brampton, Mississauga, Oakville and Hamilton. In the winter of 2015 Jason became a CAHP Intern under the mentorship of Alexander Temporale.

Heritage Assessment/Impact Study
> Brampton Memorial Arena 69 Elliott Street Heritage Assessment and Conservation Plan, Brampton
> Cedarvale Park 181 Main St. Heritage Assessment & Interpretation Plan, Georgetown
> 2022 Victoria Avenue Heritage Assessment, Burlington
> 5780 Cedar Springs Road Heritage Assessment, Burlington

APPENDIX

JASON TRUELOVE CV

> 3367 Dundas Road Urban Design Brief, Oakville
> James McClure Farmhouse Conservation Plan and Relocation, Brampton
> 60 Birmingham Street (Campbell Soup Factory) Heritage Assessment, Etobicoke
> 36 Church Street Heritage Assessment, Keswick
> 42 High Street Heritage Assessment, Sutton
> 333 MacDonald Road Oakville Heritage Assessment, Oakville
> Cedarvale Community Centre Feasibility Study, Georgetown
> Peer Review of Cultural Heritage Assessment for 1109 & 1115 Clarkson Road North, Mississauga
> 3444 Trafalgar Road Heritage Assessment, Oakville
> High Park Forest School Retrofit Feasibility Study, Toronto
> 2494 Mississauga Road Heritage Impact Assessment, Mississauga
> 1187 Burnhamthorpe Road East Heritage Assessment, Oakville
> 103 Dundas Street West Heritage Assessment, Oakville
> 3060 Seneca Drive Heritage Assessment, Oakville
> 491 Lakeshore Road (Captain Morden Residence) Heritage Assessment, Oakville
> 2347 Royal Windsor Drive Heritage Assessment, Oakville
> 107 Main St. E. Heritage Assessment, Grimsby
> Clarke Memorial Hall Building Condition Assessment, Mississauga
> Church & Wellesley (a William McBean Building) Study, Toronto
> 74 & 76 Trafalgar Road Heritage Assessment and Urban Design Brief, Oakville
> 7005 Pond Street Heritage Assessment, Meadowvale
> 7015 Pond Street (Hill House) Heritage Assessment, Meadowvale
> 2085 Pine Street Heritage Impact Assessment, Burlington
> 44 & 46 Queen Street South Heritage Assessment, Mississauga
> 264 Queen Street South Heritage Assessment, Mississauga
> Fred C. Cook (Old Bradford High School) Heritage Assessment, Simcoe County District School Board
> Benares House, Building Condition Assessment, Mississauga
> The Historic Springer Homestead, Hawthorne Lodge, Heritage Impact Assessment and design of new banquet hall replacement, Burlington,

APPENDIX
JASON TRUELOVE CV

Ontario
> 42 Park Avenue, Heritage Assessment, Oakville, Ontario
> 2625 Hammond Road, Heritage Impact Study and Site Planning Consultation and design input on Subdivision, Mississauga, Ontario
> 139, 153, 155 & 157 King Street West, Dundas, Ontario
> Brampton Civic Centre Space Efficiency and Business Case Study, Brampton, Ontario
> 139 Thomas Street Heritage Impact Study, Oakville, Ontario
> Historic Alderlea Adaptive Reuse and Business Case Study, Brampton, Ontario
> Trafalgar Terrace Heritage Impact Study, Oakville, Ontario
> Binbrook, 3 Residences, Heritage Assessment, Town of Binbrook
> Canadian Tire Gas Bar Heritage Assessment, Mississauga, Ontario *(2012 CAHP Awards, Award of Merit, Canadian Tire Gas Bar, 1212 Southdown Road, Mississauga)*
> Fergusson Residence, Heritage Assessment, City of Burlington
> Hannon Residence, Heritage Assessment, City of Burlington
> Bodkin Residence, Heritage Assessment, City of Burlington
> Fuller Residence, Heritage Assessment, City of Brampton
> Donald Smith Residence, Heritage Assessment, City of Mississauga
> Historic Alderlea Adaptive Reuse and Business Case Study, Brampton, Ontario *(2013 of Merit in Heritage Planning – Adaptive Reuse Study, Alderlea Heritage Estates)*
> Mayfield & Creditview House, Heritage Assessment, City of Brampton

Partial List of Heritage Restoration Projects
> 36 Lake Street Addition, Mississauga
> 164 & 166 Main Street Restoration/Conversion, Brampton
> St Mark's Church Restoration/Rehabilitation, Hamilton
> Pinchin Barn Foundation Repairs & Landscape Improvements, Mississauga
> Stewart Memorial Church Heritage Grant Application Package, Hamilton
> 126-128 Lakeshore Road East Façade Restoration, Oakville
> 171 Lakeshore Road East Renovations, Oakville
> Rehabilitation of Radial Railway Station, Town of Oakville

APPENDIX
JASON TRUELOVE CV

> Adamson House Roof and Ceiling repairs, City of Mississauga
> Life cycle maintenance to 6 heritage buildings, City of Mississauga
> 23 – 27 Queen Street Façade Rehabilitation, Brampton
> Harding Waterfront Estates Banquet and Conference Facility, Mississauga, Ontario *(2013 Cultural Heritage Property Award of Excellence - Heritage Mississauga; 2014 Mississauga Urban Design Awards, Award of Merit for Long Term Strategy and Innovation; 2014 Lieutenant Governor's Ontario Heritage Award for Excellence in Conservation)*
> Historic Bank of Montreal Building, Restoration and Addition, Oakville, Ontario *(2013 Heritage Cornerstone Award - Heritage Canada Foundation; Award of Excellence - 2013 Livable by Design Oakville Awards)*
> Fergusson Residence, Restoration/Renovation, City of Burlington
> Bovaird House Window Replacement, Specification and working drawings, City of Brampton
> Oakville Harbour Marina, Renovation Design, Town of Oakville

APPENDIX
RYAN LEE CV

Ryan C. Lee, M. Arch, B. Arch Sci. OAA, MRAIC, CAHP Intern Associate Associate Architect

Education
Master of Architecture/Toronto Metropolitan University / Toronto, Ontario/ 2013-2016
Bachelor of Architectural Science/ Toronto Metropolitan University/ Toronto, Ontario/ 2009-2013

Associations
> Architect OAA (Ontario Association of Architects)
> Member RAIC (Royal Architect Institute of Canada)
> Intern CAHP (Canadian Association of Heritage Professional)
> Member TSA (Toronto Society of Architects)
> Member ACO (Architectural Conservancy Ontario)

Heritage Assessment/Impact Study
> 6181 Major Mackenzie Dr | Cultural Heritage Assessment | Vaughan, Ontario
> Brampton Memorial Arena, 69 Elliot St | Heritage Impact Assessment/ Heritage Conservation Plan | Brampton, Ontario
> 7593 Creditview Rd | Cultural Heritage Assessment/ Heritage Impact Assessment | Brampton, Ontario
> 7605 Creditview Rd | Cultural Heritage Assessment/ Heritage Impact Assessment | Brampton, Ontario
> 12 Rosegarden Dr | Cultural Heritage Assessment | Mississauga, Ontario
> 181 Main St. Interpretation Plan | Georgetown, Ontario | Interpretation Plan
>181 Main St. Heritage Assessment | Georgetown, Ontario | Heritage Assessment
> 66 Queen St S | Cultural Heritage Assessment/ Heritage Impact Assessment | Mississauga, Ontario
> Cedarvale Park, 181 Main St | Heritage Interpretation Plan/ Heritage > Implementation Plan | Georgetown, Ontario
> 8331 Heritage Rd | Heritage Conservation Plan | Mississauga, Ontario
> Cedarvale Community Centre Heritage Assessment and Heritage Impact Assessment

APPENDIX
RYAN LEE CV

> 181 Main St | Cultural Heritage Assessment and Heritage Impact Assessment | Georgetown, Ontario
> Lowville Schoolhouse, 6207 Guelph Line | Heritage Impact Assessment | Burlington, Ontario
> 5780 Cedar Springs Rd | Cultural Heritage Assessment | Burlington, Ontario
> James McClure Farm | Cultural Heritage Assessment and Heritage Impact Assessment | Mississauga, Ontario
> 7891 Churchville Road | Heritage Impact Assessment | Mississauga, Ontario
> 36 Lake St | Heritage Impact Assessment | Mississauga, Ontario

Heritage Restoration
> Amos Wright House, 19 Church St N | Restoration | Richmond Hill, Ontario
> Fulton/Vanderburge House, 32 Hillsview Ave | Restoration| Richmond Hill, Ontario
> Richmond Hill Railway Station, 1378 Elgin Mills Rd E | Restoration | Richmond Hill, Ontario
> Guelph Bible Conference Centre, 485 Waterloo Ave | Renovation/Restoration | Guelph, Ontario
> Auchmar Estate Coach House, 88 Fennell Ave W | Renovation/ Restoration | Hamilton, Ontario
> Lowville Schoolhouse, 6207 Guelph Line | New Addition/ Restoration | Burlington, Ontario

Projects: ATA Architects Inc. Heritage Conservation Review
> Richmond Hill High School/ Old Town Hall at Richmond Hill Theatre 10268 Yonge St | Building Assessment Report | Richmond Hill, Ontario

Projects: ATA Architects Inc. Heritage Reconstruction
> Robinson Barn, 563 Bovaird Dr | Reconstruction | Brampton, Ontario
> Heritage Log House, 12259 Chinguacousy Rd | Reconstruction | Caledon, Ontario

Projects: ATA Architects Inc. Heritage

> Hamilton City Hall Plaza Security Renovation, 71 Main St W | Renovation | Hamilton, Ontario
> 129 Thomas St (Masonic Temple) | Residential New Construction/ Restoration | Oakville, Ontario
> 347 Queen St S New Residential | New Construction | Brampton, Ontario
> 273 Main St N New Daycare | New Construction | Brampton, Ontario

Projects: ATA Architects Inc. Educational

> Seneca School Floor Replacement TDSB | Interior Renovation | Toronto, Ontario
> Mill Valley Junior School Floor Replacement TDSB | Interior Renovation | Toronto, Ontario
> North Preparatory Junior Public School TDSB | Exterior Renovation | Toronto, Ontario
> York University Department of Economics Office Renovation and New Addition | Renovation/ New Addition | Toronto, Ontario
> York University Atkinson Building Student Lounge | Interior Renovation | Toronto, Ontario
> TDSB Etienne Brule FDK Renovation | Renovation | Toronto, Ontario
> TDSB Rosethorn Jr School FDK Renovation | Renovation | Toronto, Ontario
> TDSB Carleton Village JSSWA FDK Renovation | Renovation | Toronto, Ontario
> TDSB Carleton Village JSSWA Music Room Renovation | Renovation | Toronto, Ontario
> TDSB Adam Beck Jr School FDK Renovation | Renovation | Toronto, Ontario
> TDSB Keele Street Public School Classroom Acoustic Upgrade | Renovation | Toronto, Ontario
> TDSB Fern Avenue Public School Music Room Renovation | Renovation | Toronto, Ontario
> York University Housing Department Renovation | Interior Renovation | Toronto, Ontario
> TCDSB St. Bridgit Interior Renovation | Renovation | Toronto, Ontario
> TCDSB James Culnan Secondary School Interior Renovation | Renovation | Toronto, Ontario

> TCDSB Madonna Secondary School Interior Renovation | Renovation | Toronto, Ontario
> McMaster University Office Renovation Gilmour Hall Rm 231 | Renovation | Hamilton, Ontario
> McMaster University Door Replacement Chester New Hall Rm B101 | Renovation | Hamilton, Ontario
> TCDSB St. Stephen Child Care Retrofit | Renovation | Toronto, Ontario
> TCDSB St. Maurice Child Care Retrofit | Renovation | Toronto, Ontario

Projects: ATA Architects Inc. Municipal
> Civic Centre Arts Hub, 150 Central Park Drive | Interior Renovation | Brampton, Ontario
> Brampton Provincial Offences Court Appearance Admin Renovation, 5 Ray Lawson Blvd | Brampton, Ontario
> Earnscliffe Recreation Centre Pool Changeroom Renovation, 44 Eastbourne Dr | Interior Renovation | Brampton, Ontario
> Chinguacousy Wellness Centre Interior Fitness & Pool Changeroom Renovation and Exterior Improvements, 995 Peter Robertson Blvd | Interior and Exterior Renovation | Brampton, Ontario
> Maple Community Centre Fitness Changeroom Renovation, 10190 Keele St | Interior Renovation | Maple, Ontario
> Maple Library Interior Renovation, 10190 Keele St | Interior Renovation | Maple, Ontario
> Acton Youth Centre, 19 Willow St. N | New Construction | Acton, Ontario
> St. Mark's Community Centre Phase I & II | Heritage Restoration/ New Addition Hamilton, Ontario
> Jim Archdekin Recreation Centre Interior Renovation, 292 Conestoga Dr | Interior Renovation | Brampton, Ontario

Projects: ATA Architects Inc. Sacred Spaces
> St. Catherine of Siena Catholic Church | New Construction | Hamilton, Ontario
> St. James Roman Catholic Church | Interior Renovation/ New Addition | Oakville, Ontario
> The Church of the Virgin Mary and St. Athanasius Church Addition | New

Construction | Mississauga, Ontario

Projects: ATA Architects Inc. Commercial Feasibility Study
> 320 Matheson Ave. Maple Reiner - Starlight, Mississauga, ON, Feasibility Study
> 6865 Century Ave. Maple Reiner - Starlight, Mississauga, ON, Feasibility Study
> 2370 S. Sheridan Way MPI Group, Mississauga, ON, Feasibility Study

Projects: ATA Architects Inc. Commercial
> Bronte Rd. & Wyecroft Rd Office Development | New Construction | Oakville, Ontario
> 250,260 & 270 Queens Quay Promenade Façade Replacement | Exterior Renovation| Toronto, Ontario

Projects: ATA Architects Inc. Mix-Use Commercial/Residential
> Trafalgar Rd & Dundas St Mix-Use Commercial and Residential Feasibility Study | New Construction Feasibility Study | Oakville, Ontario
> 215 Burnhamthorpe Rd Mid-Rise Condominium | New Construction | Oakville, Ontario
> 220 Burnhamthorpe Rd Mid-Rise Condominium | New Construction | Oakville, Ontario
> Trafalgar Rd and Burnhamthorpe Rd Feasibility Study | Feasibility Study | Oakville, Ontario
> Lot 1 Trafalgar Rd & Dundas St Mix-Use Commercial and Residential Feasibility Study | New Construction Feasibility Study | Oakville, Ontario
> Brant St. & Plains Rd. Mix- Use Commercial and Residential Feasibility Study | New Construction Feasibility Study | Burlington, Ontario
> Dundas & Burnhamthorpe Mix-Use Commercial and Residential, Oakville, New Construction

Projects: ATA Architects Inc. Urban Design Study
> Urban Design Master Plan for S/E Quadrant Trafalgar Road and Dundas | Urban Design Master Plan | Oakville, Ontario

> Urban Design Master Plan Brant Street and Plains Rd E | Urban Design Master Plan | Burlington, Ontario

Projects: ATA Architects Inc. Retail
> Little Kitchen Academy, 511 Maple Grove Dr | Interior Construction | Oakville, Ontario
> Cocoon Furniture, 2695 Bristol Circle | Interior Renovation | Oakville, Ontario

Projects: ATA Architects Inc. Recreational
> Streetsville Glen Golf Club Kaneff, Brampton, ON, New Construction

Projects: ATA Architects Inc. Residential
> 36 Lake St | New Addition/ Renovation | Mississauga, Ontario
> 12259 Chinguacousy Rd | New Addition | Caledon, Ontario
> 915 North Service Rd Addition | New Construction | Mississauga, Ontario
> Spence Residence, 63 Cranbrook Ave | New Addition/ Renovation | Toronto, Ontario
> Baker Residence, 21 Thomas St | New Addition | Oakville, Ontario

Publications
> The Future of the Past: Toronto's Palimpsest Thesis publication and presentation at Ryerson University in Toronto, Canada| Winter 2016
> Inundation 3 - Design research presentation at Cilwung Merdeka in Jakarta, Indonesia and exhibition at Ryerson University in Toronto, Canada| Summer 2015
> Siloe Playground and Community Centre: A Public Intervention Design publication in Una Nueva Luz: A New Light Architectural Intervention in Cali's Comuna 20 at Ryerson University in Toronto, Canada| Fall 2013
> Water Science Centre - Design Presentation at China Three Gorges University in Yi Chang, Hubei, China | Summer 2012

Speaking Engagements
(2018) - National Trust Conference: Opportunity Knocks - National Trust for Canada - The Future of the Past: The Story of Toronto's Palimpsest

Item 5.2 Eligibility of 795 Brant Street for Heritage Designation (PL-80-22)

Community Planning Regulation & Mobility Meeting

December 6, 2022

Cultural Heritage Evaluation Report (CHER)

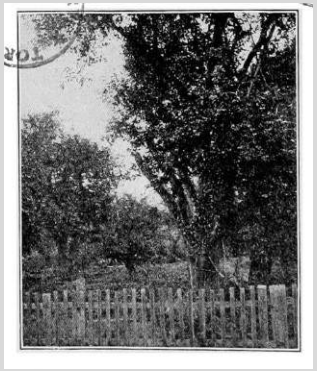
Community Planning Regulation & Mobility Committee Meeting

December 6, 2022

Land Use History Summary- Lot 85, Plan 99, Brants Block

18th century- Indigenous settlement

1790s- European's arrive to Nelson Township



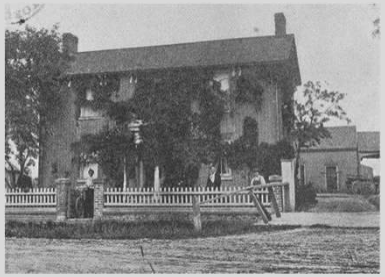
1800s- Settlement of Burlington and surround area begins. Asahel Davis and Thomas Ghent establish fruit growing in the township.

1810- Executors of Joseph Brant's Will sold 338 ½ acres to James Gage

1843- James Gage sold 96 acres of his 338 ½ acres of Lot 85, Plan 99 to Gilbert Davis.

1854- Jabez Bent purchases 53 of the 95 acres.

1855- Jabez Bent and wife mortgage to Thomas Baxter, a wealthy businessman in Wellington Square



1856- 41 of the 53 acres owned by Jabez Bent has a dwelling and brickyard

1859- Jabez Bent sells the property to Frederick Bray, a small fruit farmer

1864- Bray takes out a mortgage presumed to have been for Addition 1

1896- William Ghent buys the property from Frederick Bray. Ghent continues to operate the fruit farm.

1909- The Ghent Survey including the the 53-acre farm.

1909- William Ghent sells 5 acres of part of Lot 1, RP 125 to Edward Harmon

1915/16- Market garden under Harmon ownership

1919-1924- Edward Harmon granted the 5 acres to John West in 1919.

1924- greenhouse extant on property

1973- Last year the house was residential. Converted for commercial use 1974.

List of structures built by the Bent Brothers in Burlington

Address & Property Name	Heritage Status	Construction Date & Builder	Material	Architectural Style
1001 Plains Road; Union Burying Ground	Designated	1848 – Jabez Bent	Brick (brick wall)	N/A
507 Elizabeth Street	Demolished	ca. 1850s – James C. Bent & Jabez Bent	Frame	Vernacular
511 Elizabeth Street	Demolished	1855-1860 – James C. Bent & Jabez Bent	Frame	Vernacular
247 Malvern Road/The Chisholm- Le Patourel (moved from 466 Elizabeth Street)	Listed	1856 – James C. Bent & Jabez Bent	Brick	Gothic Revival
3265-3269 North Service Road	None	1858 – James C. Bent & Jabez Bent	Brick	Georgian

List of structures built by the Bent Brothers in Burlington Con't

400 Brant Street, Queen's Hotel, formally the Zimmerman House (now The Queen's Head)	**Listed**	**1860- Jabez Bent**	**Frame with Brick veneer**	**Georgian**
451 Elizabeth Street (Sea Cadet Hall, formerly First Methodist Church)	Listed	1868 – James C. Bent	Brick	Gothic Revival
472 Locust Street, formerly 1446 Ontario Street (Former Calvary Baptist Church, now L'Église St. Philippe)	Listed	1875 – James C. Bent	Brick	Carpenter Gothic/Italianate
2015-2017 Lakeshore Road (Shaver Building)	Listed	1881 – James C. Bent	Brick	Victorian
2375 Lakeshore Road	None	1888 – James C. Bent (Alterations)	Frame	Vernacular
1436 Ontario Street (Blathwayt House)	Designated	1885 – James C. Bent	Frame	Carpenter Gothic
1442 Ontario Street (The James Cushie Bent House)	Designated	1888 – James C. Bent	Frame	Carpenter Gothic

Existing Conditions

795 BRANT STREET- Comparative Analysis Key Points

- A total of 10 Georgian style structures are included on the City of Burlington Municipal Register of Cultural Heritage Resources; however, only six are most comparable in style/form to that of 795 Brant Street.
- All are two-storeys with symmetrical front façades, four of the six with a three-bay façade
- Earliest example of a brick-built Georgian style house in Burlington.
- Oldest building on Brant Street
- One of three heritage properties on the Register that are still extant and are associated with 19th century fruit farms that produced goods for the market garden industry.

2477 Glenwood School Drive

795 Brant Street

795 BRANT STREET- Ontario Regulation 9/06 Summary

Design/Physical Value- YES

- Design value as an early example of a brick-built vernacular two-storey Georgian style house built between 1854 and 1855.

- Given 795 Brant Street was constructed by a brickmaker and mason, Jabez Bent, and by his brother, James Cushie Bent, a master builder, the property displays a high degree of craftsmanship for its era as a substantial brick structure. In particular, the original 53-acre property containing this house included a brickyard run by Jabez, and the house would have been built from hand-made bricks manufactured on-site. The brick is laid on the front façade in Flemish bond which took a skilled bricklayer, such as Jabez Bent, to execute. Ultimately, the house at 795 Brant Street reflects the architectural ideas of the Bent brothers, who brought from England a deep knowledge of their respective trades, which they used to assist in building up the local community during a pivotal time of development.

Heritage Attributes

The following heritage attributes contribute to the cultural heritage value of 795 Brant Street:

1854-1855 Original house:

- Style, form, scale and massing of the two-storey brick Georgian style house
- Symmetrical design of the three-bay front façade (west elevation) with windows on either side of the central entrance
- Shallow-pitched end gabled roof with wide eaves and inset brick chimneys at each end wall
- Recessed main entrance with panelled door and wood surround on the front façade (west elevation)
- Narrow transom as wide as the main entrance on the front façade
- Rectangular window openings with jack-arched brick voussoirs
- Original fenestration on the front façade (west elevation)
- Front façade (west elevation) laid in Flemish bond
- North and south elevations (side) laid in common bond
- Proportion of windows to brick face of the front façade

1864 Addition and original 1854-1855 rear wing:

- Style, form, scale and massing of the two-storey addition
- Two gables on the north elevation with windows and segmentally arched voussoirs
- Ground floor with brick laid in common bond

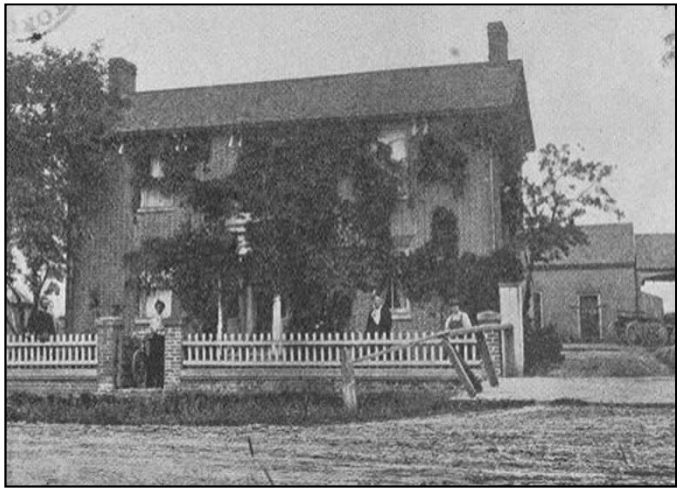
Historical/Associative Value- YES

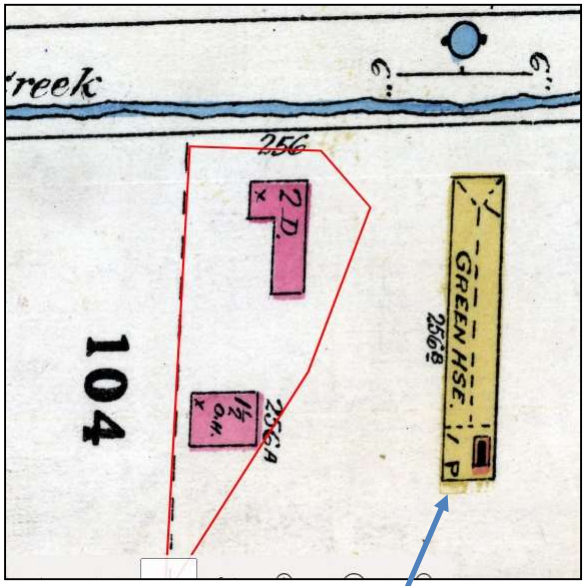
795 BRANT STREET- Ontario Regulation 9/06 Summary

- The property at 795 Brant Street has historical value and direct associations with a theme and persons who are significant to the community of Burlington. The nineteenth century property owners of 795 Brant Street played a significant role in the City of Burlington's brickmaking and market gardening industries.

- The history of the property at 795 Brant Street yields information about the lives of the masons, builders, and market gardeners who played a significant role in the economic development of Burlington.

View of house when owned by William Ghent, circa 1902



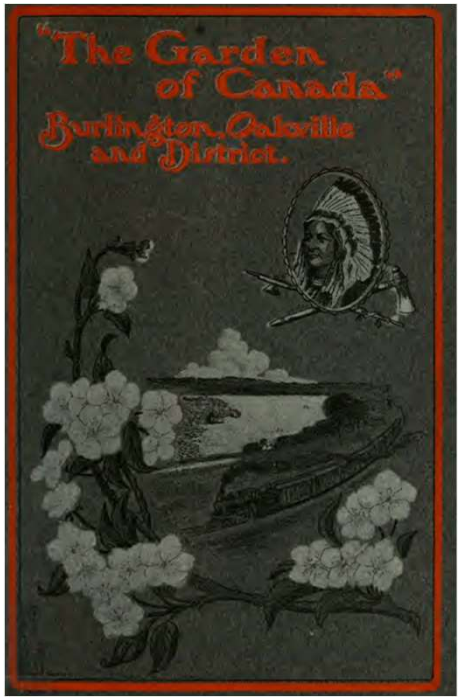


1924 FIP, frame greenhouse associated with 795 Brant Street

795 BRANT STREET- Ontario Regulation 9/06 Summary

Contextual Value- YES

- Although the house is screened by a variety of vegetation, the property has contextual value as a local landmark. Despite this reversible obstruction of views of the house, the house is seen by the community as a landmark at the corner of Brant and Prospect Streets, based on the community's interest outlined in heritage reports beginning in 1995. 795 Brant Street is one of three heritage properties (1134 Plains Road East, 2021 Blairholm Avenue, 736 King Road) currently within the City of Burlington that were nineteenth century fruit farms of early settlers that produced goods for the market garden industry.



Recommendation of the CHER

- ✓ Findings of the historical research, the site analysis, the comparative analysis, the application of Ontario Regulation 9/06, and professional expertise, determined the property at 795 Brant Street meets “one or more” of the criteria of Ontario Regulation 9/06 and therefore, merits designation under Section 29, Part IV, of the *Ontario Heritage Act*.

795 Brant Street- Timeline of Events

- **Oct 21, 2021-** Pre-app meeting
- **Mar 8, 2022-** Heritage Burlington recommends inclusion on register
- **June 21-** Added to Register, staff directed to negotiate, hire consultant
- **July 27-** Meeting with applicant team
- **Sept 21-** OPA, ZBA submitted
- **Oct 31-** Deemed complete
- **Nov 9-** Notice of intent to demolish
- **Jan 8, 2023-** Deadline to heritage designate

795 Brant street house from Brant, HBAC, March 8th 2022

795 Brant Street- Highlights from Applicant's Heritage Impact Statement

- Page 6- consultant proposed that the development should retain the original 1854 house facing Brant Street
- Pages 63, 85, 95- Property meets four designation criteria
- Page 85 "the building was built around the 1850s and is considered a rare built form in Ontario due to its early construction date"

795 Brant Street- Official Plan and Zoning Bylaw Amendment Application

- Proposed 31 storeys, FAR 11.55:1
- Current OP- 6 storeys, FAR 1.5:1
- New OP- 25 storeys
- 356 residential units
- 485 sm² of retail at grade

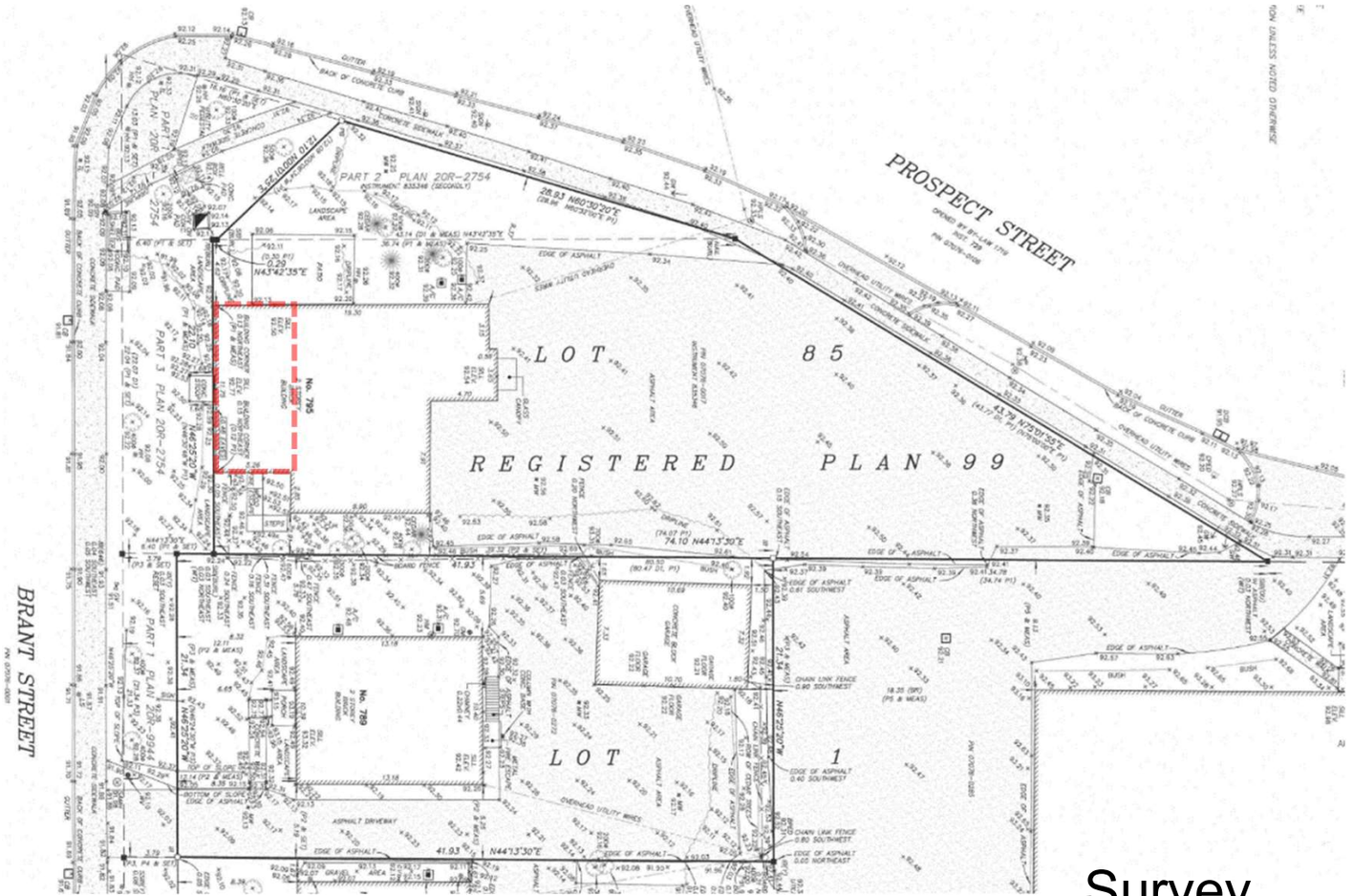
795 Brant Street- Official Plan and Zoning Bylaw Amendment Application

- 1854 portion of the house, represents approximately 3.5% of overall site area (78m²), at the front of the site
- Would impact floor area ratio (FAR) of 7-storey podium

Residence of W. Chent, Esq., Burlington.
"The Garden of Canada", Burlington, Oakville and District. Page 45. 1902.

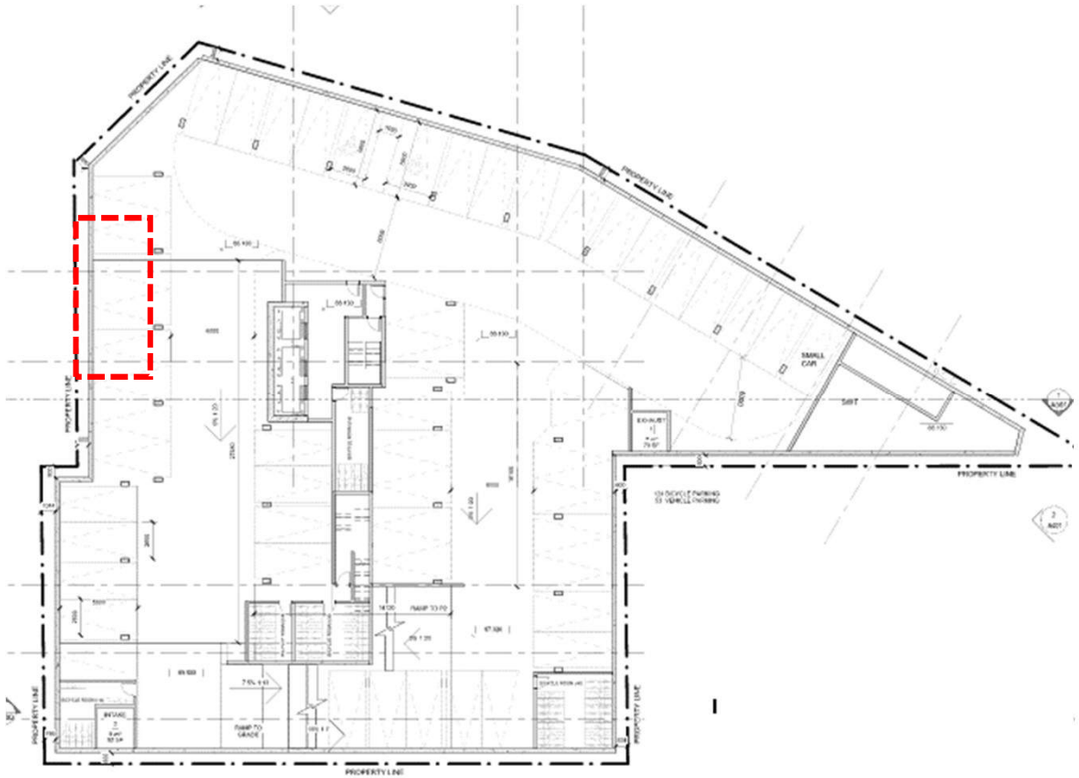
From "The Eyes of Memory" documentary c.1973

795 Brant Street- Official Plan and Zoning Bylaw Amendment Application



Survey

795 Brant Street- Official Plan and Zoning Bylaw Amendment Application


PROPERTY LINE
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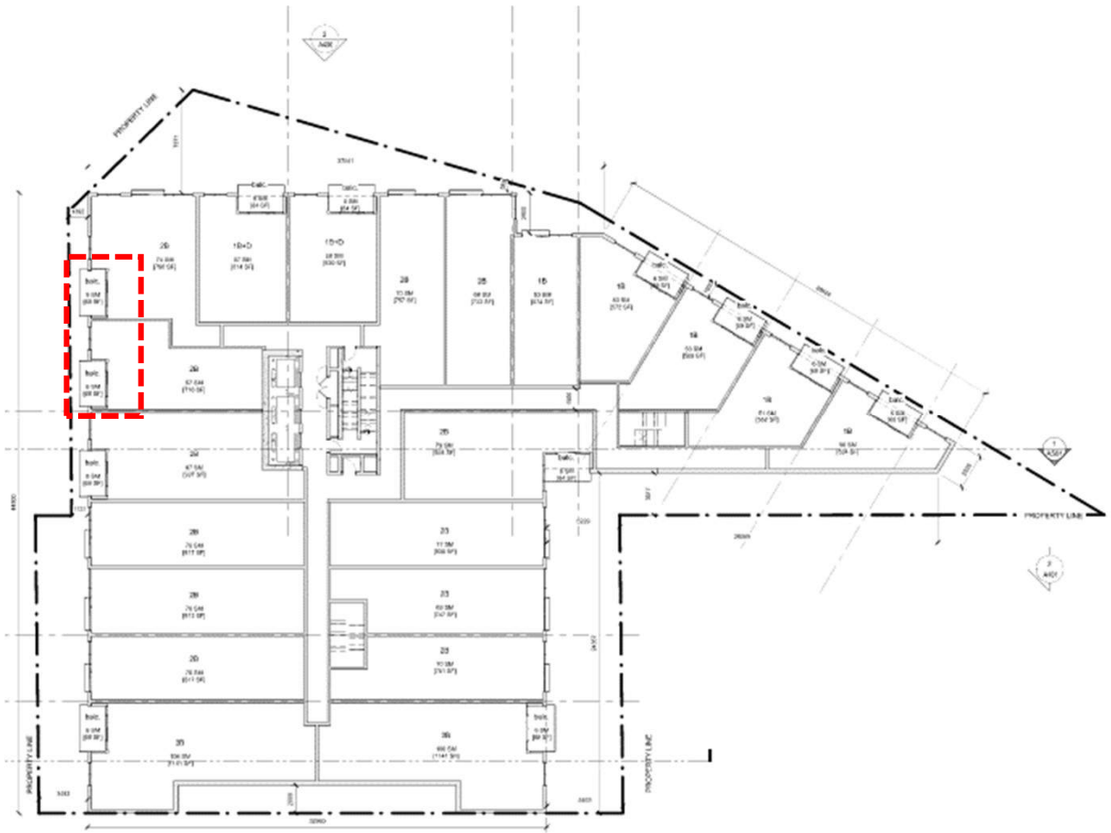
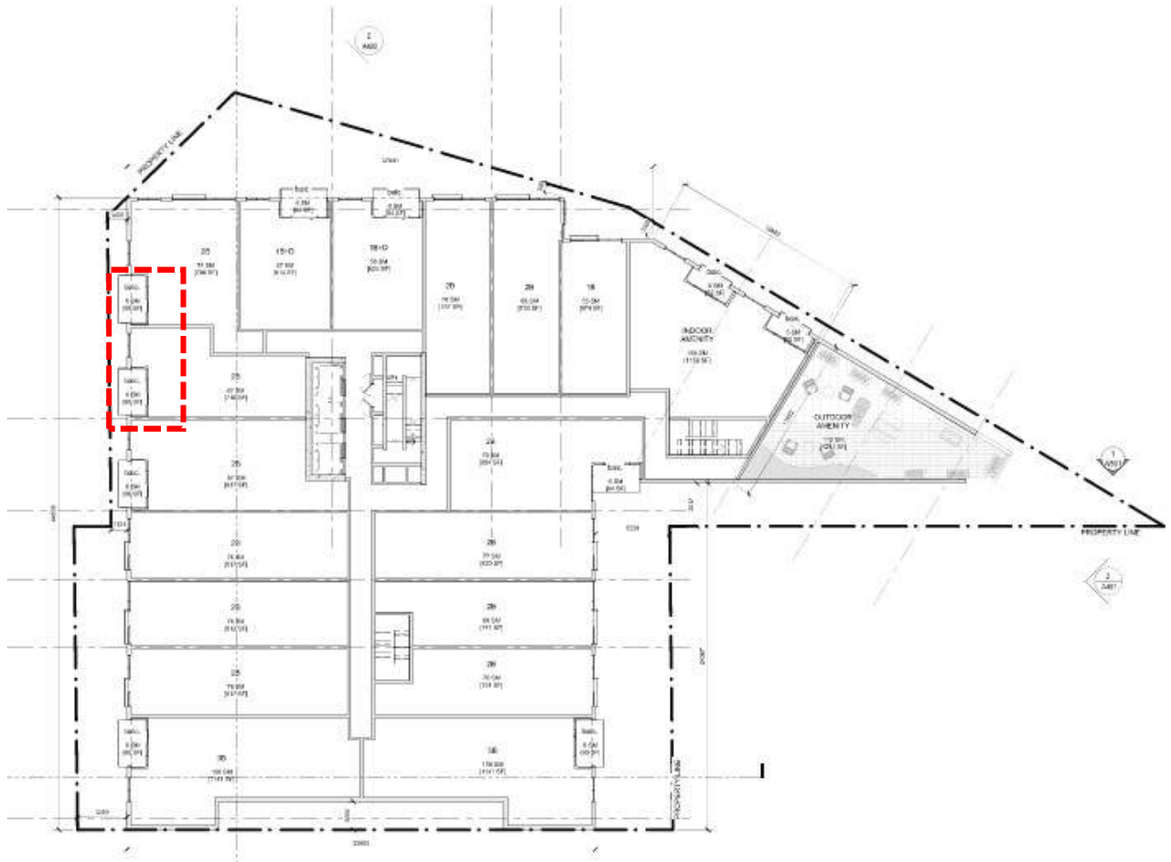
795 Brant Street- Official Plan and Zoning Bylaw Amendment Application

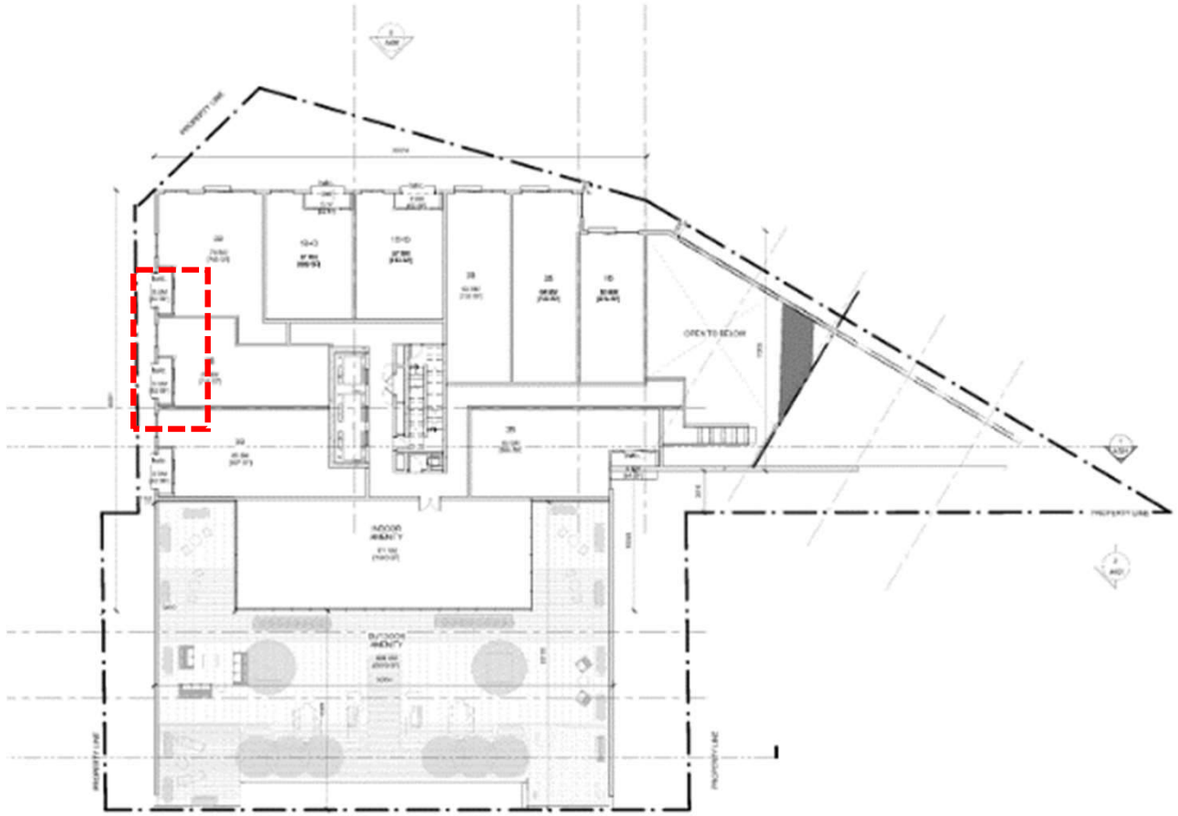


2nd-5th floor



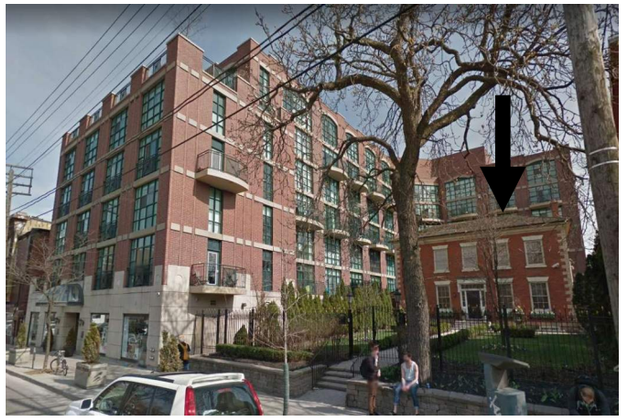
6th floor

795 Brant Street- Official Plan and Zoning Bylaw Amendment Application



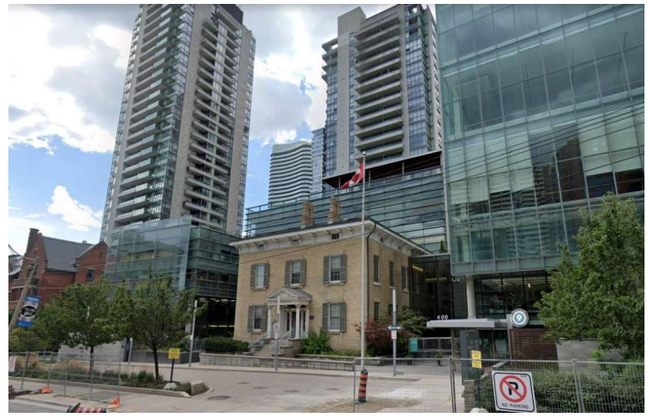
7th floor

795 Brant Street- Other Developments



905 Queen Street West, TO

The Grange- Boulton Manor, TO



400 Jarvis Street- Canada National Ballet School, TO

589 Sheppard Avenue West, TO

Staff Recommendation

State an intention to designate the property at 795 Brant Street under Part IV, Section 29 of the Ontario Heritage Act in accordance with the Heritage Evaluation of 795 Brant Street prepared by AECOM, dated November 23, 2022…

SUBJECT: Update Report- Proposed Inclusion of Downtown Properties on Burlington's Heritage Register

TO: Community Planning, Regulation & Mobility Cttee.

FROM: Community Planning Department

Report Number: PL-78-22

Wards Affected: 2

File Numbers: N/A

Date to Committee: December 6, 2022

Date to Council: December 13, 2022

Recommendation:

Direct the Director of Community Planning to add the following list of properties to the Municipal Heritage Register and provide notice to the owner of the property within 30 days, pursuant to section 27(5) of the Ontario Heritage Act, R.S.O. 1990, c. O.18;

353-355 Brant St
2010 Maria St
468 Elizabeth St
441 Elizabeth St
436 Pearl S
488 Locust St; and

Authorize the City Clerk to take necessary action if there are any objections in accordance with Section 27(7) of the Ontario Heritage Act, R.S.O. 1990, Chapter 0.18 and report back no later than 120 days after notices are sent out presenting all the objections received; and

Following completion of the Downtown Cultural Heritage Landscapes Study, direct the Director of Community Planning to re-assess the eligibility of the above listed properties for continued inclusion on the Heritage Register and report back to City Council with a recommendation.

PURPOSE:

This report responds to a September 20, 2022 City Council motion directing staff to consult six owners whose properties were nominated for inclusion on the City of Burlington Municipal Register of Cultural Heritage Resources (the "Heritage Register"). The report summarizes staff's engagement efforts and recommends that the properties be added to the Heritage Register. The six properties were part of a larger list of 24 candidates developed in collaboration with the Heritage Burlington Advisory Committee (the "HBAC") and drawn from six potential downtown Cultural Heritage Landscapes (CHLs) identified in report number PL-49-22.

Vision to Focus Alignment:

- Increase economic prosperity and community responsive city growth

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Background and Discussion:

Bill 23- The More Homes Built Faster Act, 2022

This report has been prepared under the current version of the *Ontario Heritage Act* (the "OHA"). On October 25, 2022, the Ontario government introduced the *More Homes Built Faster Act, 2022* (Bill 23), which proposes changes to the OHA and eight other Acts related to land development. Staff will be reporting to Council separately on the impact of this bill.

Decision History

On July 5, 2022, the Community Planning, Regulation and Mobility committee (CPRM) considered staff report PL-49-22 titled Proposed Downtown Cultural Heritage Landscapes Study. The report requested authorization to retain a consultant to complete a year-long study of eight potential heritage properties and six potential cultural heritage landscapes identified in a 2019 Cultural Heritage Resource Assessment of the downtown. Council passed a motion authorizing the study and directed Community Planning staff to engage the HBAC and review all properties within each potential CHLs for possible inclusion on the Heritage Register. Consultation with HBAC is also required by the *Ontario Heritage Act* before a property can be added to the Heritage Register. Below is the full text of the motion:

> **Direct the Director of Community Planning to connect with the Heritage Burlington Advisory Committee to reconvene and review each property in the cultural landscapes to determine which should be added to the Municipal Register; and**

Report back to the Community Planning, Regulation & Mobility Committee meeting on September 13, 2022.

Staff developed an initial list of 19 candidate properties and consulted the HBAC on July 27, 2022 (See Appendix D- Heritage Burlington Advisory Committee Minutes- July 27, 2022). HBAC recommended five additional properties, including 441 Elizabeth Street and 436 Pearl Street, to add to staff's list. Staff did not consider the additional properties to be strong candidates, however they were included to be consistent with Council's July 12, 2022 direction to deliver a list of Heritage Register candidates reflecting the combined analysis of staff and HBAC. HBAC's recommendations and evaluation of the subject properties are attached (See Appendix E- Heritage Burlington Advisory Committee-Evaluations Subcommittee Summary Chart).

At the September 13 CPRM meeting staff presented a report recommending 24 properties for the Heritage Register. During the meeting, the Executive Director of the Burlington Downtown Business Association expressed his opinion that owners had not been consulted and the initiative should not proceed without significant outreach. Council then directed staff to notify all owners about the initiative before the September 20th Regular Meeting of Council.

On Friday, September 16th, staff couriered notices to all affected property owners. At the September 20th Council meeting, owners of the following seven properties wrote or delegated to Council opposing the inclusion of their properties on the Heritage Register:

1. 380 Brant Street
2. 372-374 Brant Street
3. 620 Brant Street
4. 426 Burlington Avenue
5. 457 Locust Street
6. 488 Locust Street
7. 524 Locust Street

Council also heard from the chair of the HBAC that the Committee had previously sent 18 of the 24 properties notices that they were being studied for possible inclusion on the Heritage Register. These 18 properties had previously been listed on the Heritage Register as "B-rated" properties before being removed in 2012 pending further study by HBAC.

Ultimately, City Council voted to add the18 properties who had received HBAC notices to the Heritage Register and directed staff to further consult the remaining six owners and report back to the December 13th City Council meeting. Below is the full text of the motion:

> **Definitely postpone (defer) the following properties for possible addition to the Heritage Register (PL-59-22) at the City Council meeting on December 13 and consult with the property owners:**
>
> **353-355 Brant St**
> **2010 Maria St**
> **468 Elizabeth St**
> **441 Elizabeth St**
> **436 Pearl St**
> **488 Locust St**

Strategy/process

Staff Consultation Efforts and Objections Received

A more extensive summary of consultation is included in the Engagement Matters section of this report below. In summary, staff have had phone conversations, received correspondence from, or virtually consulted with four owners, as outlined in the below chart. Half of the owners oppose their properties being listed on the Heritage Register (i.e. three of six). The opinion of the other three owners is unknown. The consultation and outreach with each owner are summarized below:

#	Property	Correspondence	Support/Object
1	**353-355 Brant Street**	Letter- Purolator- Delivered Oct. 15, 2022 Phone call with owners' representative- Oct. 19, 2022	Unknown
2	**2010 Maria Street**	Letter- Purolator- Delivered Oct. 12, 2022 In-person visit to property and conversation with business owner- Nov. 1, 2022	Unknown
3	**468 Elizabeth Street**	Letter- Purolator- Delivered Oct. 12, 2022 Emailed owner- Oct. 17, 2022 Virtual consultation meeting with owner's consultant- Nov. 1, 2022	**Objects**
4	**441 Elizabeth Street**	Phone call with owner- Oct. 11, 2022 Letter- Purolator- Delivered Oct. 12, 2022	**Objects**

5	**436 Pearl Street**	Letter- Purolator- Delivered Oct. 28, 2022	Unknown
6	**488 Locust Street**	Letter- Purolator- Delivered Oct. 14, 2022 Email correspondence- throughout October Virtual consultation meeting with owner- Nov. 1, 2022	**Objects**

Property Assessments (See Appendix C- Listing Statements)

1. 353-355 Brant Street

Built before 1910, this two-storey building is believed to have historical value for its age and historical retail use. The building is believed to have architectural value for its original form, scale and massing, segmental arched windows, stone or concrete sills.

Staff had a phone conversation with a representative of the owners on October 19 seeking more information. It is unclear if the owners support or object to the inclusion of the property on the Heritage Register.

2. 2010 Maria Street

This two-storey masonry building is believed to have historical value for its former use as a police station. It is believed to have design value for its mid-century modernist details including long horizontal windows at ground level. The façade is a mix of brick and tile.

Staff visited the site on November 1 and confirmed that the notice had been received. The owners of this property have not submitted any correspondence indicating their opinion about their potential inclusion on the Heritage Register.

3. 468 Elizabeth Street

Built before 1910. This two-storey masonry building has historical value for its age and potential to yield information about Burlington's residential areas in the pre-war period. It is believed to have design value for its vernacular homestead and craftsman details. The house is two bays wide, with entrance positioned at the side of the ground floor. The full width veranda with craftsman style stone base is original. Two-over-two sash windows feature segmental arches.

The owners of this property object to its inclusion on the Heritage Register because they intend to demolish the building and redevelop the site in future.

4. 441 Elizabeth Street

A basic vernacular homestead with a heavily altered façade and minimal distinguishing historic features. One segmental arched window is visible on side elevation. Fire insurance maps indicate it was built after 1924.

On October 11, staff had a phone conversation with the owner of 441 Elizabeth Street and the neighboring property 437 Elizabeth Street, which is already on the Heritage Register. The owner objects to the inclusion of both properties on the Heritage Register, because she believes it will make the properties less attractive to potential buyers. The properties are adjacent to a six-storey residential building in a densifying area of downtown Burlington and the owner believes that the properties could be consolidated into a viable development site.

441 and 437 Elizabeth Street were not originally recommended for inclusion on the Heritage Register, however the HBAC recommends that they be added at least for the duration of the study. 437 Elizabeth Street has a large and unsympathetic addition and 441 Elizabeth Street has suffered two major front façade alterations that removed original window and door openings.

5. 436 Pearl Street

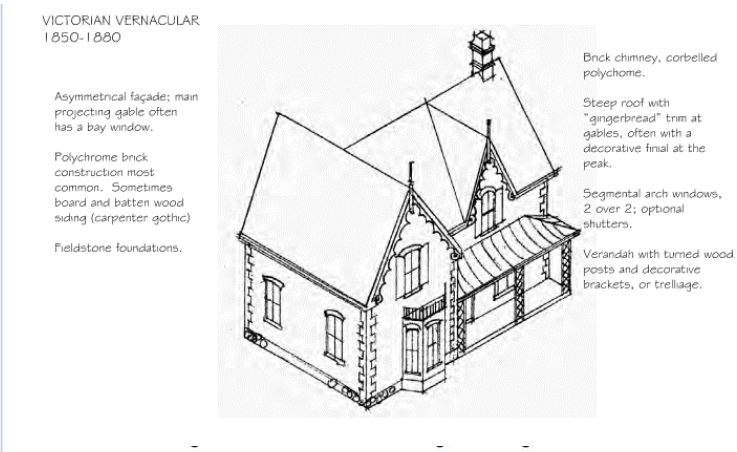
The original portion of this building was built before 1910. The Heritage Burlington Advisory Committee believes this building has some potential historical value due to its local reputation and conversion from a two-storey gable roof house to a popular restaurant. Staff note that the building was extensively altered with ground storey additions, the second storey has been re-clad and no window openings remain.

The owners of this property have not responded to the notice. HBAC recommended that the property be added to the Heritage Register. Although staff believe it is too extensively altered to qualify for the Heritage Register or for heritage designation, it is being recommended based on Council's direction to consult HBAC and report back with a single list of candidate properties. Adding the property to the Register would allow for further study to confirm its importance, which will be important given the conflicting opinions.

6. 488 Locust Street

This property is believed to have historical value for its significant age and potential to yield information about Burlington's residential neighbourhoods before 1910. It is also believed to have architectural value for its Victorian vernacular features including a covered porch, bay window, round arched window in the second-storey gable and two-over-two sash windows.

Current Photo



The owner of this property objects to being listed on the Heritage Register. He purchased the property in March 2022 after checking with the Community Planning department that it was not a heritage property. He states that he would not have purchased the property if it were on the Heritage Register. He intends to eventually demolish and replace the building on site with a 3-storey home for himself and his family.

The owner began the demolition process by submitting a Demolition Clearance Form on March 23, 2022. This form is a screening tool that the City's Building Department uses to identify all approvals needed for a demolition permit. The clearance form technically qualifies as the owner's notice of intention to demolish the property under section 27(9) of the OHA, which ordinarily gives Council 60-days to study a property on the Heritage Register. Because the owner has already fulfilled notice requirements of the OHA, adding the property to the Heritage Register will not delay a demolition permit. Despite this, staff still recommend adding the property to publicly recognize its potential cultural heritage value, the City's interest and to fulfil Official Plan principles 8.1 (a) and (b), which promise that the City will "identify" cultural heritage resources as a starting point for all other

conservation efforts. Adding the property to the Register is also recommended in case the owner sells the property and in anticipation of Bill 23. If passed, Bill 23 would make it impossible to heritage designate a property that is not on the Heritage Register once a Zoning Bylaw, Official Plan Amendment or Site Plan Approval application for that property is deemed complete.

Staff have had phone conversations with the owner, spoken with him at the virtual consultation event on November 3 and corresponded by email. However, the owner of 488 Locust Street remains opposed to the property's inclusion on the Heritage Register. He points out that the property is covered in non-original vinyl siding and altered by rear additions. The porch was re-modelled to provide wheelchair accessibility.

Leaving aside the owner's reasons for buying the property, staff continue to believe 488 Locust is a good candidate for the Heritage Register. The building footprint is largely the same as it was in 1924. The two-over-two divided light windows are appropriate to a Vernacular Victorian style house built before 1912 (see above). Although the porch has been altered with a wheelchair ramp, the rest of the porch has the same design as in the 1950s.

Options Considered

Option 1- Add all six properties to the Heritage Register, re-assess at the end of the study (Recommended)

This option is recommended because it would extend limited, temporary protection to six properties that staff, or the HBAC believe have some cultural heritage value. They are also part of heritage district study areas and the loss of the properties may be harmful to the integrity of the potential districts. Inclusion on the Heritage Register is not necessarily permanent or the first step in heritage designation, since both staff and the HBAC recommend that at the end of the downtown CHL study in late 2023, all properties should be re-assessed for continued inclusion on the Heritage Register. The study is likely to reveal more in-depth historical information about individual properties and areas that could alter the City's opinion of their importance.

Option 2- Add only those properties whose owners do not object to the listing to the Heritage Register (353-355 Brant Street, 2010 Maria Street, 436 Pearl Street) (Not recommended)

Council could choose this option to respect the wishes of the owners of 488 Locust Street, 468 Elizabeth Street and 441 Elizabeth Street. Staff do not recommend this option because it leaves the properties vulnerable to demolition during a year where the areas surrounding the properties are being studied for possible heritage recognition or protection. Between staff and HBAC, all six properties are believed to have some cultural heritage value or potential and losing them could harm the integrity of the overall district.

Option 3- Decline to add any properties to the Heritage Register (Not Recommended)

The six candidate properties have the potential to yield important information about Burlington's history of urban development and land use patterns. This option is not recommended because it would leave six properties in each potential cultural heritage landscape with no protection. This is also not recommended in anticipation of the future impacts of Bill 23, which would prevent the heritage designation of any property not already on the Heritage Register at the time that a development application is deemed "complete".

Financial Matters:

Total Financial Impact

There is no immediate financial impact if Council decides to add the six properties to the Heritage Register, since the decision cannot be appealed to the Ontario Land Tribunal. However, if a demolition permit is submitted in future, Council can choose to retain a consultant to study the property for possible heritage designation, which could cost between $5,000 and $10,000 per property.

Source of Funding

Not applicable.

Other Resource Impacts

If any of the six property owners choose to object to Council's decision to list their property on the Heritage Register, staff typically prepare a report providing Council with a recommendation. This would create some indirect staff resource costs.

Climate Implications

Not applicable.

Engagement Matters:

On October 11th, staff couriered notices to the six property owners about the upcoming December 13th City Council meeting. The notice included contact information, frequently asked questions, information about the Heritage Register, and an invitation to attend in-person and virtual consultation events on November 1st and 3rd (see Appendix B- October 11 Notification to Owners). Additionally, staff called or emailed four of the six owners. Two of the owners had no contact information listed with the City apart from their address and could not be reached except by mail.

There were no attendees at the November 1st, in-person, "lunch and learn" consultation event at 414 locust Street. However, at the November 3rd virtual consultation event, the owner of 488 Locust Street and one heritage consultant representing the owners of 468 Elizabeth Street attended. Staff provided a presentation of the background to the initiative and explained the limited impacts of being on the Heritage Register. The following concerns were raised at the meeting:

- The owners of both properties bought with the intention of demolishing the existing building and redeveloping the site and pointed out that being listed on the Heritage Register creates an impediment to this goal through the 60-day notice requirement and prospect of heritage designation.
- The heritage consultant stated that the owner of 468 Elizabeth Street is concerned about the possibility that the Official Plan contains development policies that apply to Heritage Register properties without distinguishing between heritage designated and non-designated properties. This could deter potential buyers and increase development costs for an owner who now must prepare special studies or adjust their building plans to conserve.
    - Staff confirmed that the Official Plan has at least one such policy, which enables the City to require a Heritage Impact Statement to be submitted with a development application, if the City believes the property is "worthy of designation", and while being listed on the Heritage Register does not mean a property will meet the criteria for designation, it is an indication the City thinks it could be designated.
- The owner of 488 Locust Street asked if new provincial legislation would make it impossible to add a property to the Heritage Register if a development application was submitted.
    - Staff explained that the new proposed *More Homes Built Faster Act* would prevent a municipality from designating a property that was not yet listed on

the Heritage Register on the date that a development application was deemed complete.

- The owner of 488 Locust Street stated that he believed the alterations to his building made it ineligible for the Heritage Register. These include vinyl siding, rear additions, aluminum windows and a wheelchair ramp.
- Staff explained the process of reporting to the December 13th meeting and advised the attendees how to participate in the meeting and recommended that they submit letters to clerks@burlington.ca before the meeting.
- Staff advised the owner of 488 Locust Street about the City's heritage tax rebate program.

Conclusion:

Staff have made special efforts to engage and consult with each of the six owners of properties Council is considering adding to the Heritage Register during the Downtown Cultural Heritage Landscapes study. Three of the six owners object to the listing, while three have not responded or made their positions known. Staff continue to recommend that the six properties be added to the Heritage Register to give them some limited protection while the consultant team gathers more information about the areas they are part of and completes the Downtown Cultural Heritage Landscapes Study.

Respectfully submitted,

John O'Reilly, MCIP, RPP
Planner II- Heritage
(905) 335-7777 ext. 7427

Appendices:

A. Notification to owners- Oct. 11, 2022

B. 488 Locust Street- Correspondence from owner- Oct. 24, 2022

C. Heritage Property Evaluations

D. Heritage Burlington Advisory Committee Minutes- July 27, 2022

E. Heritage Burlington Advisory Committee- Evaluations Subcommittee Summary Chart

Notifications:

Planner to provide names and addresses of affected properties

Report Approval:

All reports are reviewed and/or approved by Department Director, the Chief Financial Officer and the Executive Director of Legal Services & Corporation Counsel.

905-335-7600 ext. 7427
905-632-9082
john.oreilly@burlington.ca

Dear Owner,

The City of Burlington believes your property has heritage value and qualifies for a list called the Municipal Register of Cultural Heritage Resources (the "Heritage Register"). **City Council will consider adding your property on the Heritage Register at the Dec. 13, 2022 City Council meeting and has directed staff to consult with you before this meeting**.

You are invited to call or email me, the City's heritage planner.

John O'Reilly
Planner II- Heritage
john.oreilly@burlington.ca
905-335-7777 ext.7427

Your comments will be recorded and attached to the staff report for Council's consideration.

You are also invited to attend one of two consultation meetings:

1. In-person Consultation Meeting (RSVP, lunch to be provided)
   Tuesday, Nov. 1, 2022, noon
   Team Burlington Offices, 414 Locust Street, Board Room
   Burlington, Ont.
   Please RSVP to john.oreilly@burlington.ca by Oct. 25

OR

2. Virtual Consultation Meeting
   Thursday, Nov. 3, 2022, 5 p.m.
   Microsoft Teams
   Meeting ID: 233 283 395 501
   Passcode: rR2uz7

Being listed on the Register is not the same as having a heritage designated property. The owner of a heritage designated property must seek the City's permission before altering. As the owner of a non-designated property listed on the Heritage Register, you retain all your rights to alter your property, inside or out, without any interference from the City. It is simply a recognition that the City believes your property has heritage value. The only change is the requirement to give the City 60 days notice if you plan to demolish the building. The City is not required to take any action in response to the notice, but Council could choose to discuss heritage designation at a Council meeting with your feedback and participation.

Yours Truly,

John O'Reilly, MCIP, RPP
Planner II- Heritage
Community Planning
(905) 335-7777 ext.7427
john.oreilly@burlington.ca

Frequently Asked Questions

What does it mean to be listed on the heritage register? Is it the same as a heritage designation?

No, it is not the same as a heritage designation.

Heritage designated properties are also listed on the Heritage Register, but a heritage designation is a more formal process in which the City protects a property using a city bylaw. Owners of designated properties must seek the City's permission to alter any property features listed in the bylaw.

If the City lists your property on the Heritage Register, you retain all of your rights to modify your building inside or out without any interference from the City. The only consequence of being listed on the Heritage Register is you must provide Council 60 days notice of a demolition. Council is not required to respond to the notice or approve the demolition, but could choose to pursue heritage designation during the notice period.

Does the City Require my permission to list a property?

No. The *Ontario Heritage Act* does not require City Council to obtain consent to list a property on the Heritage Register.

Can I object?

Yes. If you object to the listing, section 27(7) of the *Ontario Heritage Act* states you must serve a notice of objection on the clerk of the municipality. You must put your reasons and all relevant facts for your objection in the notice of objection . The City Clerk's address is:

The City Clerk, The Corporation of the City of Burlington
426 Brant St., P.O. Box 5013
Burlington, ON L7R 3Z6
clerks@burlington.ca

O'Reilly, John

From: [redacted]
Sent: Thursday, October 20, 2022 7:45 PM
To: O'Reilly, John
Cc: [redacted]
Subject: 488 Locust Street heritage registered
Attachments: pre-demo Locust St 488 - 22-03-25.pdf

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mr. O'Reilly or City Clerk

Please be advised that we purchased the property on 488 Locust St under the assumption that this property is not registered or designated as heritage and can be demolished. Our plan was to build a 3-story residential building to be used for my wife and I to live on first the floor and our 2 children on the second and third floor so that in our old age we would be surrounded by our immediate family members.

We verified this assumption of the heritage status during our purchase condition period by contacting Community Planning, Mr. John O'Reilly, and received the email below in BLUE **which states that the property is not registered nor designated as heritage; and that the structure can in fact be demolished**. We even started the Pre-Demolition process that was signed by (John O'Reilly Planner II - Heritage Community Planning) the City of Burlington as attached stating that property can be demolished. We then removed our condition and completed the purchase of the property.

IF we were informed to the contrary or advised of any potential for change in heritage status, we would not have purchased the property. We ask that you please remove 488 Locust St from your list of Heritage Register or Designation.

Please see attached.

Thank you

Please Read Below the Communication Between my daughter and I with the planning and heritage department heads by Mr. John O'Reilly

RE: Heritage Inquiry: 488 Locust Street Burlington, ON, L7S 1V2

Mailbox, Heritage <heritage@burlington.ca>

To [redacted]

23.02.2022 5:23 PM

4

Hi [redacted]

Your father is correct that 488 Locust Street is not listed on the City's heritage register and is not subject to a heritage designation bylaw. It has no heritage protections.

For your information, the house is called the William Zimmerman House and was constructed in 1881. It appears on a list of properties, which have "heritage potential". However, this list doesn't have any legal status and does not change the facts above, I just note it for your information.

John

From: [redacted]

Sent: Wednesday, February 23, 2022, 12:31 PM

To: Mailbox, Heritage <heritage@burlington.ca>
Cc: [redacted]
Subject: Heritage Inquiry: 488 Locust Street Burlington, ON, L7S 1V2

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello there,

My father just called and spoke to someone confirming that the property 488 Locust Street Burlington, ON, L7S 1V2 is **NOT** classified as a Heritage property.

I just wanted to re-confirm via email and have this in writing as english is my father's second language.

Thank you very much in advance.

Regards,

[redacted]

This message, including any attachments, is privileged and intended only for the addressee(s) named above. If you are not the intended recipient, you must not read, use or disseminate the information contained in this email/fax. If you have received this email/fax transmission in error, please notify the sender immediately by telephone, fax or email and permanently delete this email from your computer/shred this fax, including any attachments, without making a copy. Access to this email/fax by anyone else is unauthorized. Thank you.

Just for your information and this information has nothing to do with my decision in purchasing this property I am betting on the information and signature I have received from the city, this is only my opinion, this property is covered by vinyl siding which was introduced to the Construction Industry in 1950's and some time in 1970 and 2000 this property was changed and remolded with vinyl siding and additions were added sometimes in between 2000 to 2015. As well, the whole porch has been remolded to provide accessibility for wheelchair (the property was used for Doctor office). Nothing Original remains on this property such as actual size or shape or construction material used as far as I see it.

History[edit] Google Search

Vinyl siding was introduced to the exterior market in the late 1950s as a replacement for aluminum siding. It was first produced by an independently owned manufacturing plant called Crane Plastics in Columbus, Ohio

When Did Vinyl Siding Get So Popular?

First produced in the 1950s for the purpose of remodeling and standard home building, it required a bit of work for it to get to the high-quality product that it is now. It began as a common siding choice that was produced by a manufacturer of plastics, but back then, it was not as durable as the vinyl we know today!

How Has Vinyl Changed Over the Years?

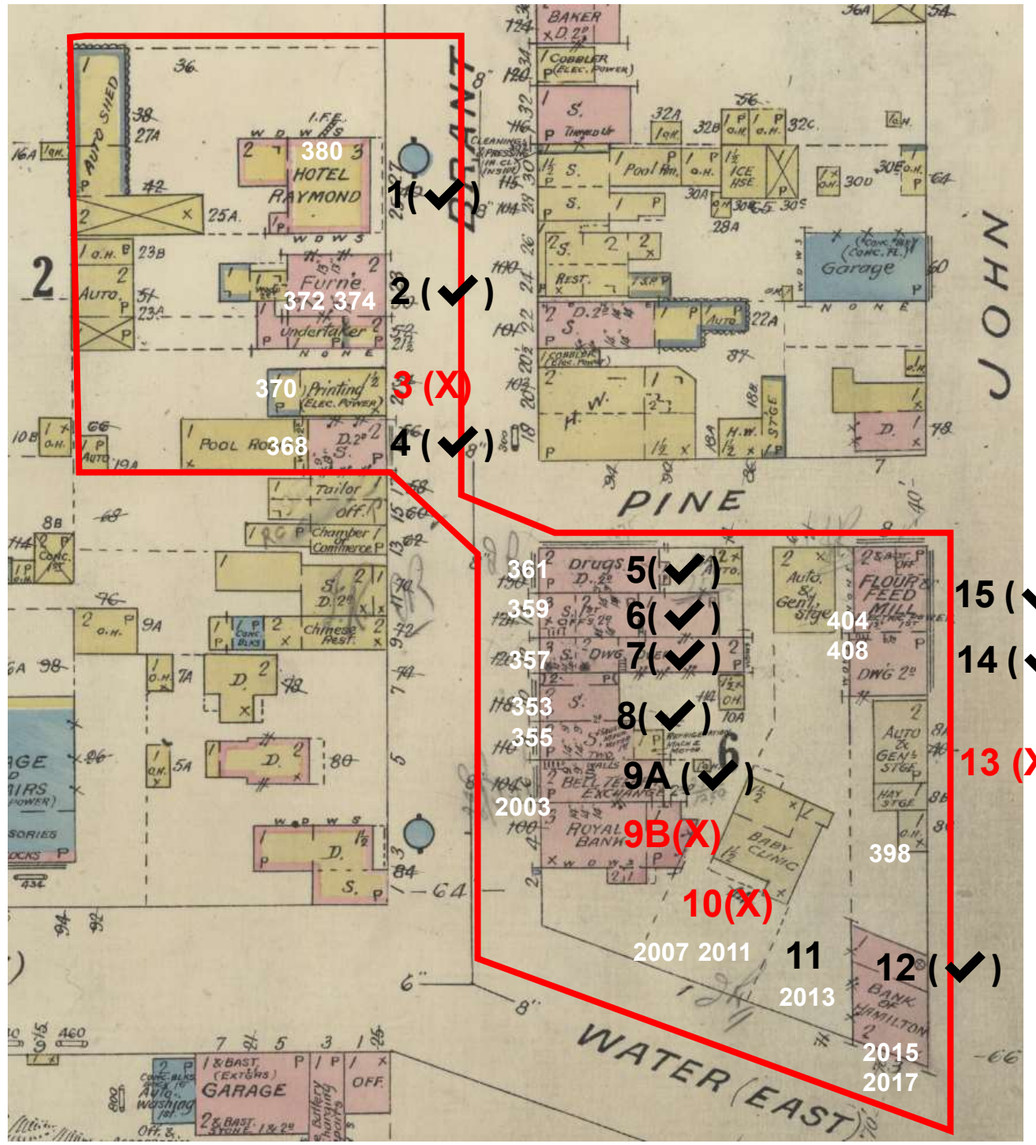
It was in the years between 1970 and 1980 that manufacturers finally got the formula right. By this time, vinyl siding was able to withstand harsh weather conditions and didn't fade in the sun. Since then, improvements to vinyl have continued to be made, not only to better protect homes, but also to increase curb appeal with its aesthetic. Plus, it was guaranteed to last much longer than wood.

Cultural Heritage Landscape #1- Foot of Brant Street

Buildings pre-dating 1924

2021 Aerial Photo

1924 Fire Insurance Plan



Legend

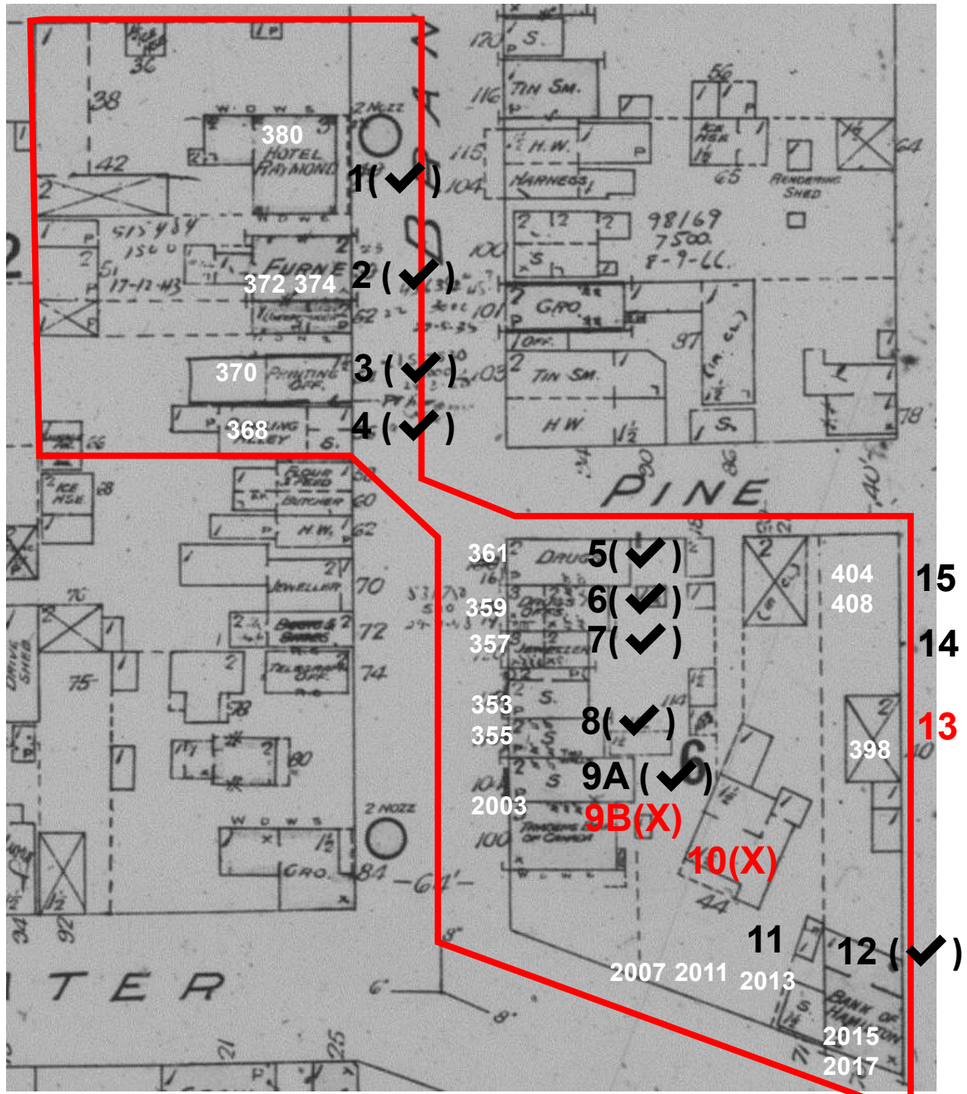
- Non-designated heritage register property
- Heritage Designated
- (X) -Demolished
- (✓) –Still Exists

Cultural Heritage Landscape #1- Foot of Brant Street

Buildings pre-dating 1910

2021 Aerial Photo

1910 Fire Insurance Plan



Legend

Non-designated heritage register property

Heritage Designated

(X) -Demolished

(✔) –Still Exists

8. 353-355 Brant Street

Current Photo

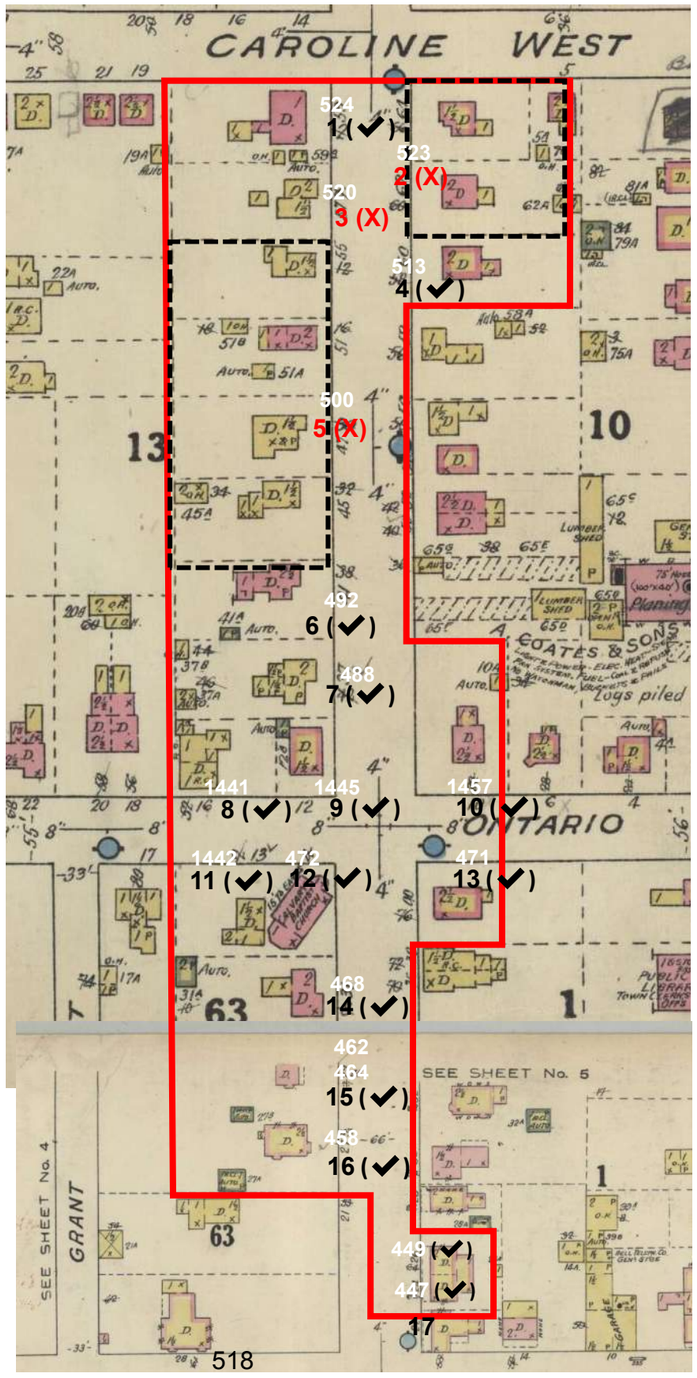
Historic Photo (1914)

1914 post card of Brant Street looking north from what was then Water Street. From "The Prints of Burlington."

Legal Description	PLAN 92 PT BLK M RP 20R8210 PARTS 1,3,4
Historic Land Use	Retail
Date of Construction	Pre 1910
Heritage Value or Interest	Two-storey building believed to have historical value for its age and former retail use. The building is believed to have architectural value for its original form, scale and massing and its arrangement of upper storey segmental arched windows with stone or concrete sills. Alterations include aluminum windows, painted stucco covering the original masonry and cornice. Ground floor storefronts have been replaced. Original masonry side walls and structure may be intact.
Heritage Status	None
Assessment	**(✔) Qualifies for Heritage Register**

Cultural Heritage Landscape #2- Locust Street

2021 Aerial Photo



518

1924 Fire Insurance Plan

Legend

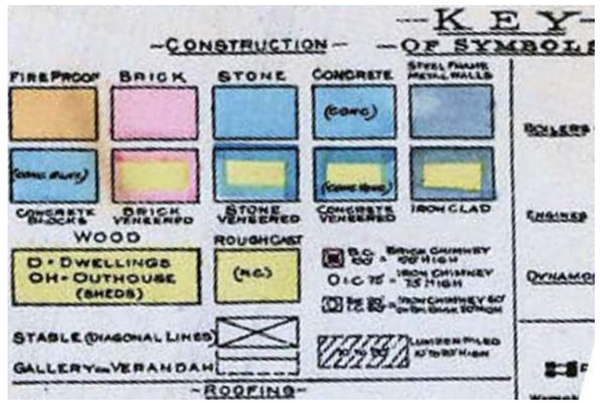
Non-designated heritage register property

Heritage Designated

(X) Demolished

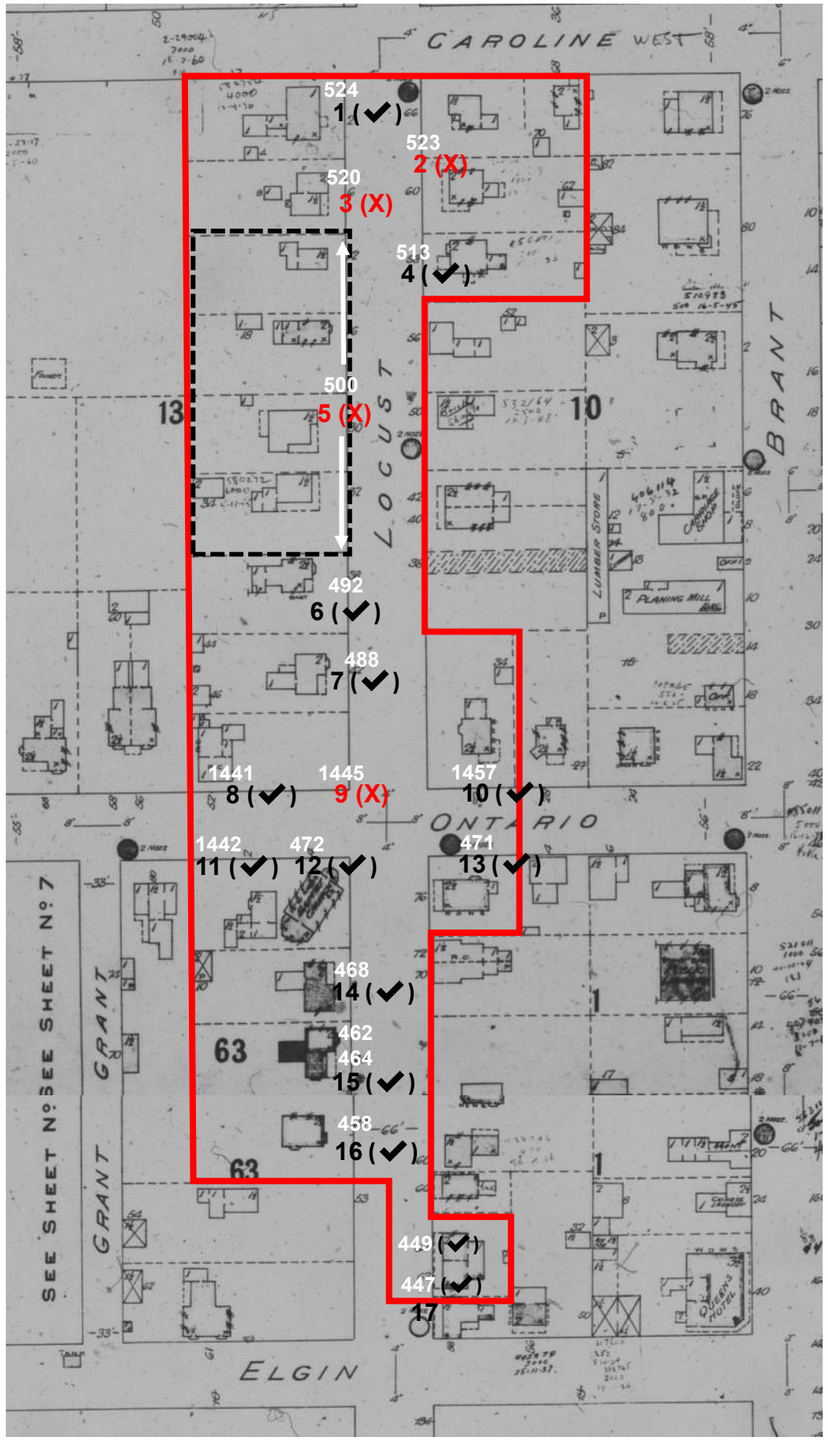
(✔) Still Exists

Fire Insurance Plan Construction Materials Legend



Cultural Heritage Landscape #2- Locust Street

2021 Aerial Photo



1910 Fire Insurance Plan

Legend

- Non-designated heritage register property
- Heritage Designated
- (X) Demolished
- (✓) Still Exists

7. 488 Locust Street

Current Photo

Historic Photo

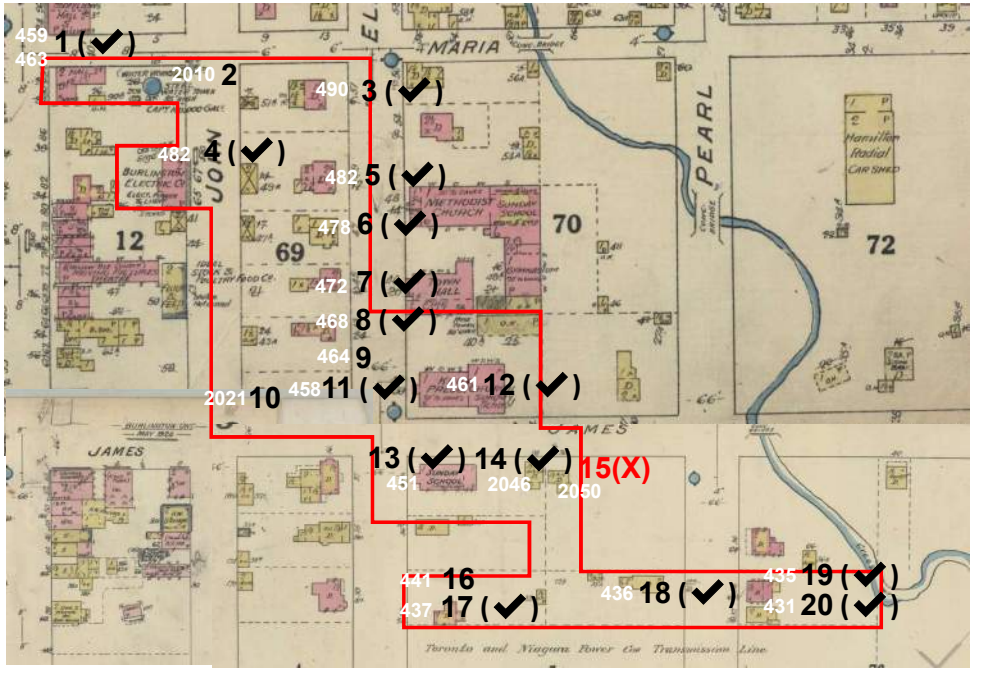
1950s image of Locust Street- Vintage Burlington

Legal Description	PLAN 74 PT LOT 50
Historic Land Use	Residential (Dwelling)
Date of Construction	Pre 1910
Heritage Value or Interest	This property is believed to have historical value for its significant age and potential to yield information about Burlington's residential neighbourhoods before 1910. It is also believed to have architectural value for its Victorian vernacular features including a covered porch, bay window, round arched window in the second-storey gable and two-over-two sash windows.
Heritage Status	None
Assessment	**(✔) Qualifies for Heritage Register**

Cultural Heritage Landscape #4- Downtown East

Buildings pre-dating 1924

2021 Aerial Photo

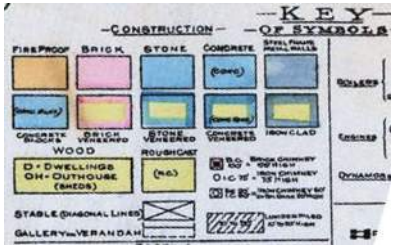


1924 Fire Insurance Map

Legend

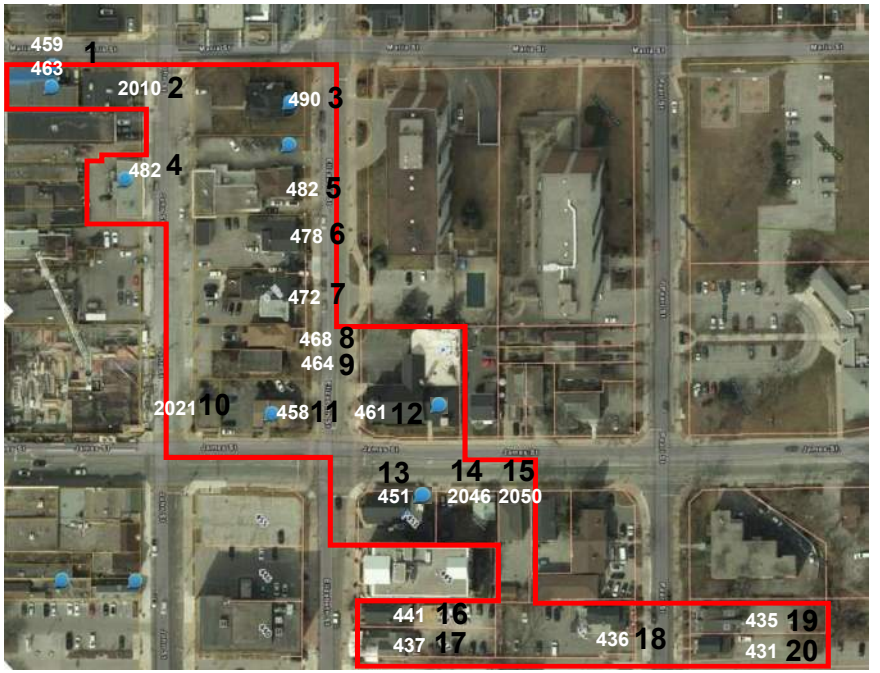
- Non-designated heritage register property
- Heritage Designated
- (X) Demolished
- (✔) Still Exists

Fire Insurance Plan Materials Legend

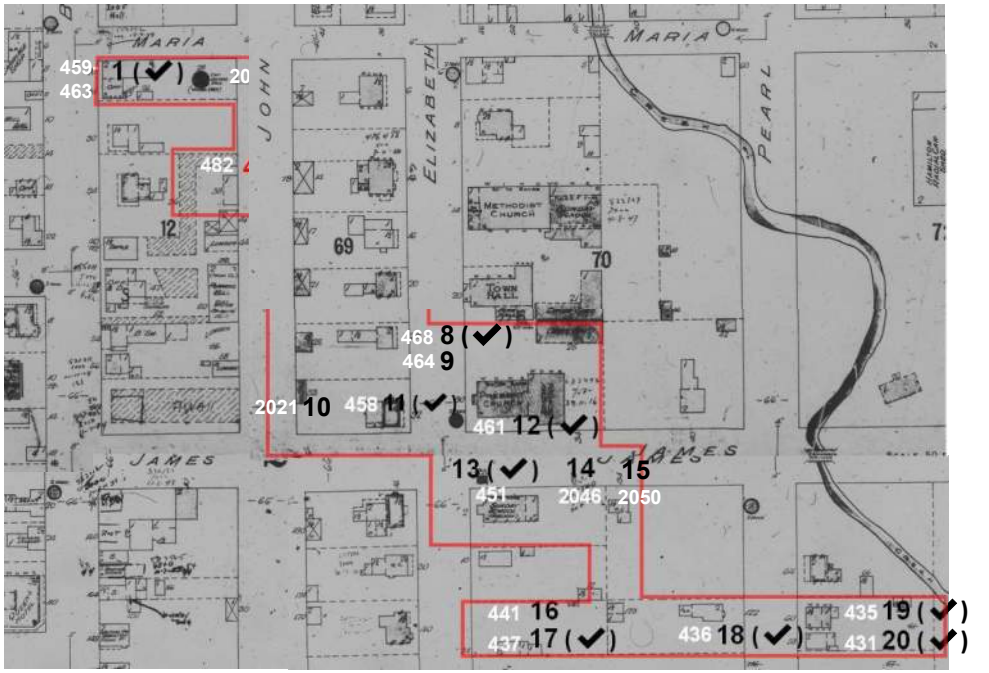


Cultural Heritage Landscape #4- Downtown East

Buildings pre-dating 1910



2021 Aerial Photo



1910 Fire Insurance Map

Legend

Non-designated heritage register property

Heritage Designated

(X) Demolished

(✔) Still Exists

2. 2010 Maria Street

Current Photo

Historic Photo

1924 Photo of water tower

1960 Aerial Photo

Legal Description	PLAN 92 BLK E PT LOT 1
Historic Land Use	Water tower (85’ tall), former Police stat ion
Date of Construction	1950s
Heritage Value or Interest	This two-storey masonry building is believed to have historical value for its former use as a police station. It is believed to have design value for its mid-century modernist details including long horizontal windows at ground level. The façade is a mix of brick and tile. Alterations include a reduction in the width of the upper storey windows.
Heritage Status	None
Assessment	**(✔) Qualifies for Heritage Register**

8. 468 Elizabeth Street

Current Photo

Historic Photo

1915 Photo of Elizabeth Street looking North towards Caroline

Legal Description	PLAN 92 BLK F PT LOT 6
Historic Land Use	Residential (dwelling)
Date of Construction	Pre 1910
Heritage Value or Interest	This two storey masonry building has historical value for its age and potential to yield information about Burlington residential areas before 1910. It is believed to have design value for its vernacular homestead and craftsman details. The house is two bays wide, with entrance positioned at the side of the ground floor. The full width veranda with craftsman style stone base is original. Two-over-two sash windows feature segmental arches.
Heritage Status	None
Assessment	**(✔) Qualifies for Heritage Register**

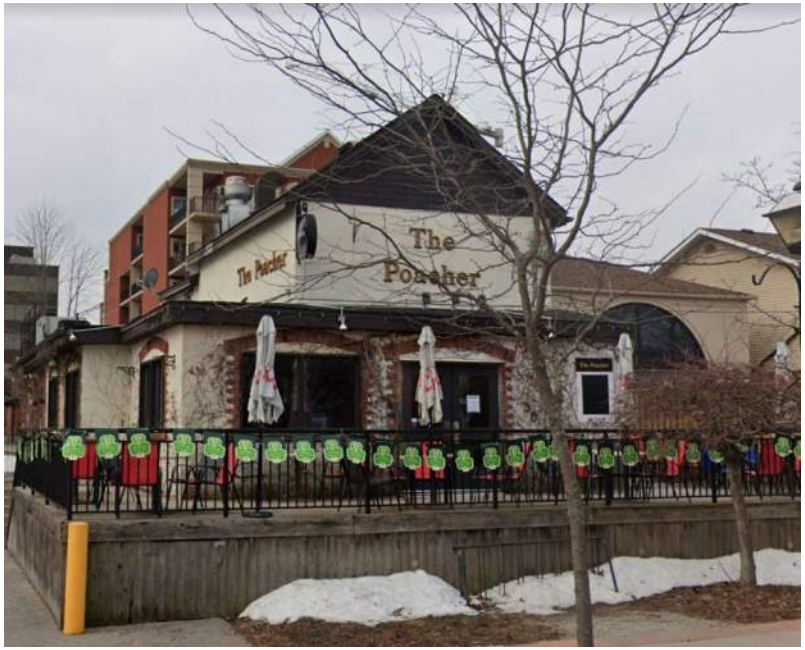
16. 441 Elizabeth Street

Current Photo

Legal Description	PLAN 92 BLK K PT LOT 3
Historic Land Use	Empty lot
Date of Construction	Unknown, post 1924
Heritage Value or Interest	Believed to have some historical and design value. Basic vernacular homestead with heavily altered façade with minimal distinguishing historic features. Segmental arched window visible on side elevation
Heritage Status	None
Assessment	**(✔) Heritage Burlington Advisory Committee recommends for inclusion on Register**

18. 436 Pearl Street

Current Photo



Legal Description	PLAN 92 BLK K LOT 14
Historic Land Use	Residential (Dwelling)
Date of Construction	Pre 1910 (Middle gable roof portion)
Heritage Value or Interest	This building is believed to have some potential historical value due to its local reputation and conversion from a two-storey gable roof house to a popular restaurant. Extensively altered with ground storey additions. Second storey has been re-clad and no window openings remain.
Heritage Status	None
Assessment	**(✔) Heritage Burlington Advisory Committee recommends for inclusion on Register**

Heritage Burlington Advisory Committee Meeting

Minutes

Date: July 26, 2022
Time: 7:00 pm
Location: Virtual

1. Members Present:

Michele Camacho (Chair), Don Thorpe, Marsha Paley, Angela Richardson, Marwa Refaat, Len Collins, Jim Miles, Rob Korporaal and Alan Harrington

2. Regrets:

Barry Duffey, Sille Nygaard Mikkelsen and Jenna Dobson

3. Others Present:

Councillor Rory Nisan, John O'Reilly (Heritage Planner) and Jo-Anne Rudy (Clerk)

4. Land Acknowledgement:

The Chair read the land acknowledgement.

5. Declarations of Interest:

None

6. Approval of Minutes:

6.1 Approve minutes from meeting held June 8, 2022

On motion, the minutes from the meeting held June 8, 2022, were approved as presented.

7. Delegation(s):

None

8. Regular Items:

8.1 Heritage Planner update

a. Downtown Cultural Heritage Landscapes Study - Evaluation of individual properties for Heritage Register status

- John advised that the Downtown Cultural Heritage Landscapes Study was approved at the July 5, 2022, Community Planning, Regulation & Mobility Committee meeting and further ratified at the July 12, 2022, Council meeting. In addition, Council directed staff to convene a special meeting of Heritage Burlington to review all properties in the study area to determine if any could be added to the Municipal Register. John noted that staff evaluated 66 properties, and 19 additional properties were found to be eligible for inclusion on the Heritage Register. He sent this information to the committee and requested that the Evaluations Subcommittee review the list and provide their findings at tonight's special meeting.
- John briefly reviewed the evaluations and noted that CHL 3 and 6 are already on the heritage register so he did not look at these. He advised that staff will be recommending that the following properties be added to the Heritage Register, and added that staff will reassess when the study is completed:
    - **CHL 1- Foot of Brant Street**
        1. 380 Brant Street
        2. 372-374 Brant Street
        3. 359 Brant Street
        4. 353-355 Brant Street
        5. 2003 Lakeshore Road (Buildings A & B)
        6. 404-408 John Street
    - **CHL 2- Locust Street**
        1. 524 Locust Street
        2. 513 Locust Street
        3. 488 Locust Street
        4. 1445 Ontario Street
        5. 458 Locust Street
    - **CHL 4- Downtown East**

1. 2010 Maria Street
2. 468 Elizabeth Street
3. 435 Pearl Street
4. 431 Pearl Street

- **<u>CHL 5- Burlington Ave & Lakeshore Road</u>**

1. 437 Burlington Avenue
2. 426 Burlington Avenue
3. 422 Burlington Avenue
4. 1415 Lakeshore Road

- Marwa spoke on behalf of the Evaluations Subcommittee and advised that they were in agreement with the above properties recommended by staff but would also like to add the following five properties to the heritage register:
  - 357 Brant Street
  - 492 Locust Street
  - 437 Elizabeth Street
  - 441 Elizabeth Street
  - 436 Pearl Street
- Committee members discussed and were in agreement with the above and passed the following motion.

Motion: Heritage Burlington recommends that City Council add the following staff recommended properties to the Municipal Heritage Register:

- 380 Brant Street
- 372-374 Brant Street
- 359 Brant Street
- 353-355 Brant Street
- 2003 Lakeshore Road (Buildings A & B)
- 404-408 John Street
- 524 Locust Street

- 513 Locust Street
- 488 Locust Street
- 1445 Ontario Street
- 458 Locust Street
- 2010 Maria Street
- 468 Elizabeth Street
- 435 Pearl Street
- 431 Pearl Street
- 437 Burlington Avenue
- 426 Burlington Avenue
- 422 Burlington Avenue
- 1415 Lakeshore Road; and

That the following additional properties be added to the Municipal Heritage Register, as recommended by Heritage Burlington:

- 357 Brant Street
- 492 Locust Street
- 437 Elizabeth Street
- 441 Elizabeth Street
- 436 Pearl Street; and

That following study completion, staff re-assess the eligibility of the above listed properties for continued inclusion on the Heritage Register and report back to City Council with a recommendation. **CARRIED**

9. Other Business:

- Marsha asked about a potential development at 3007/3015 Dundas Street.
- Don reminded members of Heritage Week beginning on Aug 1 and encouraged all members to participate in as many events as possible. **Motion** - Authorize the spending of up to $2,000 for expenses related to Heritage Week. **CARRIED**

- Alan advised of the Open House at Freeman Station on August 6th and noted that they will be accepting food donations for the Burlington Food Bank.
- John provided a brief update on 795 Brant Street and noted that the property owner's intentions have not changed and that staff will be meeting with him this week. John confirmed that the heritage assessment would be carried out by an impartial consultant commissioned by the City, not the developer/applicant.

10. Adjournment:

Chair adjourned the meeting at 8:11 p.m.

Heritage Burlington Advisory Committee - Evaluation Sub Committee Recommendation 22 July, 2022

	Address	Historic use	Status	Add to the Register	Comments
CHL1					
	380 Brant Street	Reymond Hotel		YES	
	372-374 Brant Street	undertaker/furniture store		YES	
	370 Brant Street	Printing office		NO	
	368 Brant street	The Bell - Wiggins Boot and Shoe Store, The Parkin Barber Shop and Pool Hall	Registered		
	361 Brant Street	The LePatourel Drug Store First Location	Registered		
	359 Brant Street	Drugstore and Offices		YES	
	357 Brant Street	Jeweler (see 1910 Fire Insurance Map)		YES	
	353-355 Brant Street	Retail		YES	
	2003 Lakeshore Road	Bell Telephone Exchange		YES	
	2003 Lakeshore Road	The Royal Bank		Yes	
	2007-2011 Lakeshore Road	Movie Theatre, Previously the property was occupied by a “Baby Clinic”,			Recommend further study
	2013 Lakeshore Road	N/A		NO	
	2015-17 Lakeshore Road (The “Shaver Building”)	Bank (Bank of Hamilton)	Registered		
	398 John Street	Auto mechanic, general storage	Demolished		Recommend to note "demolished" on the evaluation sheet to document the loss
	404-408 John Street	Hannon Flour and Feed Mill		Yes	
CHL2					
	524 Locust Street	Residential (Dwelling)		Yes	
	523 Locust Street	Residential	Demolished		Recommend to note "demolished" on the evaluation sheet to document the loss
	520 Locust Street	Relatively new two-storey commercial building.			Recommend further study
	513 Locust Street	Residential		Yes	
	500 Locust Street	Residential	Demolished		Recommend to note "demolished" on the evaluation sheet to document the loss
	492 Locust Street	Residential		Yes	
	488 Locust Street	Residential		Yes	
	1441 Ontario Street	Residential	Registered		Further study recommended for potential designation
	1445 Ontario Street	Residential		Yes	
	1457 Ontario Street	Residential	Registered		
	1442 Ontario street	Residential	Designated		
	472 Locust Street	Church	Registered/Church		Further study recommended for potential designation
	471 Locust Street	Dwelling	Registered		
	468 Locust Street	Dwelling	Registered		Further study recommended for potential designation
	462-464 Locust street	Dwelling	Designated		
	458 Locust Street	Dwelling		Yes	
	447-449 Locust Street	Dwelling	Designated		
CHL4					
	459-463 Brant Street	Offices and Masonic Lodge	Registered		
	2010 Maria Street	Water tower (85’ tall)		Yes	
	490 Elizabeth Street / 2042 Maria Street	Electric Power & Light (the “The Burlington Electric Company”)	Registered		Further study recommended for potential designation
	482 John Street		Registered		Further study recommended for potential designation
	482 Elizabeth Street		Registered		Recommend to add to the description; second floor was the original home for Teen Tour Band
	478 Elizabeth Street				Recommend further study
	472 Elizabeth Street				Recommend further study
	468 Elizabeth Street			Yes	
	464 Elizabeth Street				Recommend further study
	2021 James Street			No	
	458 Elizabeth Street		Registered		
	461 Elizabeth Street	Place of Worship (Church)	Registered		Further study recommended for potential designation
	451 Elizabeth Street	Institutional (Sunday School)	Registered		Further study recommended for potential designation
	2046 James Street				Recommend further study
	2050 James Street				Recommend further study
	441 Elizabeth Street			Yes	
	437 Elizabeth Street			Yes	Recommend further study
	436 Pearl Street			Yes	Recommend further study
	435 Pearl Street			Yes	Further study recommended for potential designation
	431 Pearl Street			Yes	
CHL5					
	436 Burlington Avenue	Residential	Designated		
	437 Burlington Avenue	Residential		Yes	
	432 Burlington Avenue	Residential	Registered		Further study recommended for potential designation
	431 Burlington Avenue	Residential	Registered		Further study recommended for potential designation
	426 Burlington Avenue	Residential		Yes	
	425 Burlington Avenue			No	
	422 Burlington Avenue			Yes	
	419 Burlington Avenue		Registered		
	418 Burlington Avenue	Residential	Demolished		Recommend to note "demolished" on the evaluation sheet to document the loss
	415 Burlington Avenue	Residential	Designated		
	1407 Lakeshore Road				Recommend further study
	1415 Lakeshore Road	Residential		Yes	
	1421 Lakeshore Road	Residential	Registered		

From: [redacted]
To: Mailbox, Clerks; O"Reilly, John
Cc: [redacted]
Subject: 488 Locust Street heritage registered
Date: Friday, November 25, 2022 12:08:13 PM
Attachments: pre-demo Locust St 488 - 22-03-25.pdf

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Thank you Mr. O'Reilly for your email dated Nov 16th , 2022 in which you ask us to submit an email to clerks@burlington.ca summarizing our position on our property located at 488 Locust St., Burlington.

We would like to participate on BOTH Dec 6th , 2022@ 9:30AM Community Planning Regulation and Mobility Committee Meeting regarding **PL-78-22** AND on Dec 13th , 2022 @1PM City Council Meeting; We will also try to register online using links you provided.

We purchased the above property with the intention to demolish and rebuild into a multi-generational home suitable for myself and my family. My wife and I have lived in Burlington for 35 years and raised our two children here; but now we are aging and both with chronic medical conditions. We were planning to use this property as a 3-story (triplex dwelling) residential building with the intent of living on the ground floor and have my son and daughter move in to the second and third floor to help support us as we get older.

At the time of submitting an offer to purchase this property, we put a 90 day condition to conduct our due diligence. Both My daughter and I contacted the City to ensure there would be no issues when it came to demolishing and modifying the home prior to permits. We reached out to Community Planner (email: heritage@burlington.ca) to inquire about the property's heritage status.

The response we received were as follows:

"488 Locust Street is not listed on the City's heritage register and is ***not subject to a heritage designation bylaw. It has no heritage protections.***

For your information, the house is called the William Zimmerman House and was constructed in 1881. It appears on a list of properties, which have "heritage potential". However, this list ***doesn't have any legal status and does not change the facts above****, I just note it for your information."*

In addition, we had started the Pre-Demolition process that was signed by John O'Reilly (Planner II - Heritage Community Planning). The Signed Pre-demolition document attached with signature stating that the property can be demolished. Having been assured that this property will not be subject to a heritage status, we then removed our condition and completed the purchase of the property.

Had we anticipated any possibility after conducting our due diligence that there would be a chance for any potential change in heritage status, we would have not purchased this property.

We kindly ask that you please remove 488 Locust St from your list of Heritage Register or Designation. This is a home we would like to retire in to live out the rest of our years with the support of children.

Thank you for supporting our family in this matter,

Michael Sobhi,

35 year resident of Burlington

Cell: [redacted]
email: [redacted]

Item 5.3- Proposed Inclusion of Six Downtown Properties on the City of Burlington Heritage Register

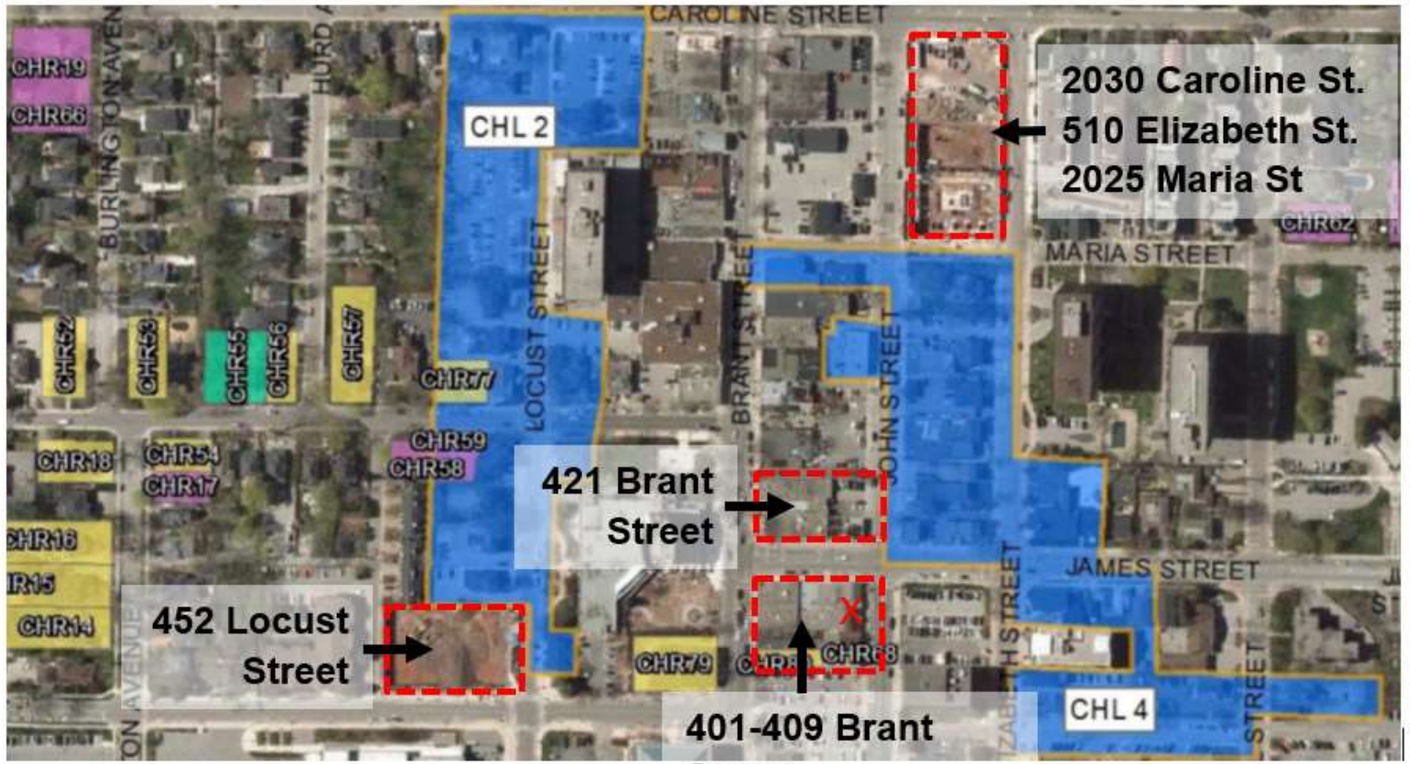
Community Planning Regulation & Mobility Meeting
December 6, 2022

Why Conserve?

Preserving beloved buildings and character areas as our City transforms…

Village Square

St. Luke's Church & Cemetery



Recent Downtown developments

Background Pt 1/3

On July 12, 2022, City Council authorized the Downtown Cultural Heritage Landscapes Study and added the following direction:

"Direct the Director of Community Planning to connect with the Heritage Burlington Advisory Committee to reconvene and review each property in the cultural landscapes to determine which should be added to the Municipal Register; and

Report back to the Community Planning, Regulation & Mobility Committee meeting on September 13, 2022."

Lower Brant Street, 1914

Background Pt 2/3

SUMMARY TABLE OF EXISTING AND PROPOSED HERITAGE PROPERTIES IN POTENTIAL CHLs 1-6				
Potential Cultural Heritage Landscape	Total Number of Properties	Existing Heritage Register Properties	Added to Heritage Register September 20	Considered for December 13
#1 Foot of Brant Street	15	3	6	1
#2 Locust Street	18*	8	5	1
#3 Village Square	1	1	N/A	N/A
#4 Downtown East	20	7	3	4
#5 Lakeshore Road and Burlington Avenue	13	6	4	0
#6 St. Luke's Church & Cemetery	3**	1	N/A	N/A
TOTALS	**70**	**26**	**18**	**6**

*447 and 449 Locust are a conjoined building, but separate properties

**One property contains the church & cemetery, the other two are undeveloped lands that extend to the lake and were historically part of the overall property

Background Pt 2/3

At the September 20 City Council meeting, Council added 18 properties to the heritage register and added the following direction:

"Definitely postpone (defer) the following properties for possible addition to the Heritage Register (PL-59-22) at the City Council meeting on December 13 and consult with the property owners:
353-355 Brant St
2010 Maria St
468 Elizabeth St
441 Elizabeth St
436 Pearl St
488 Locust St"

Lower Brant Street, 1914

Engagement Efforts

- **October 11-28th** Notification letters confirmed delivered to all owners
- **October 11-** November 1st: Email correspondence, in-person site visits, phone calls with 5/6 owners
- **November 1**: In-person consultation opportunity at 414 Locust Street (No attendees)
- **November 3**: Virtual consultation (Three attendees for two different properties)
- **November 17:** Follow up letters sent by purolator about December 6 CPRM Meeting. Phone calls and emails to all owners with contact information known

Brant Street, approximately 1920's

Engagement Results

353-355 Brant Street
Unknown

2010 Maria Street
Unknown

468 Elizabeth Street
Objects

441 Elizabeth Street
Objects

436 Pearl Street
Unknown

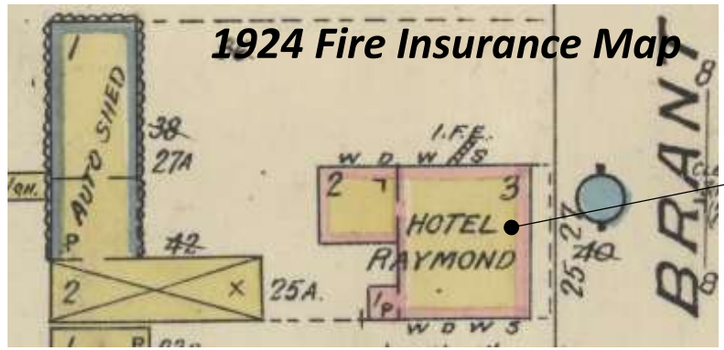
488 Locust Street
Objects

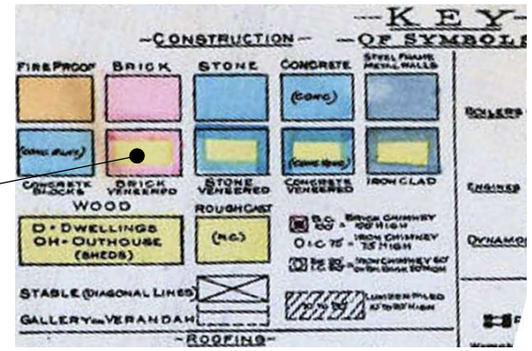
Methodology

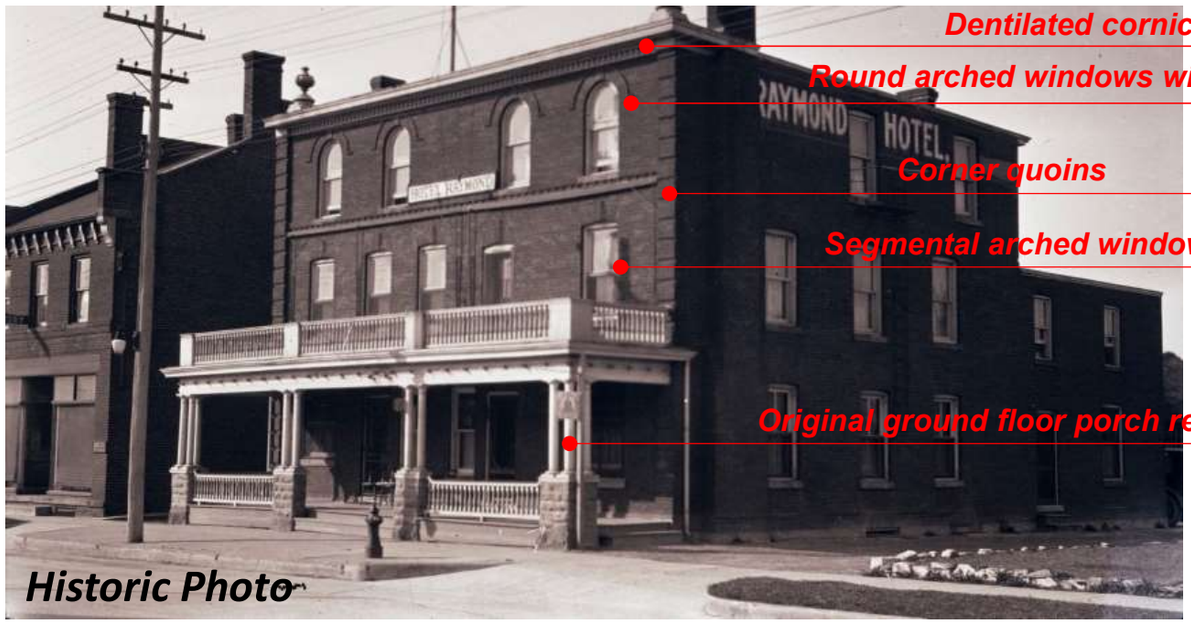
1. Comparison of fire insurance maps with satellite photos

Methodology

2. Architectural Evaluation



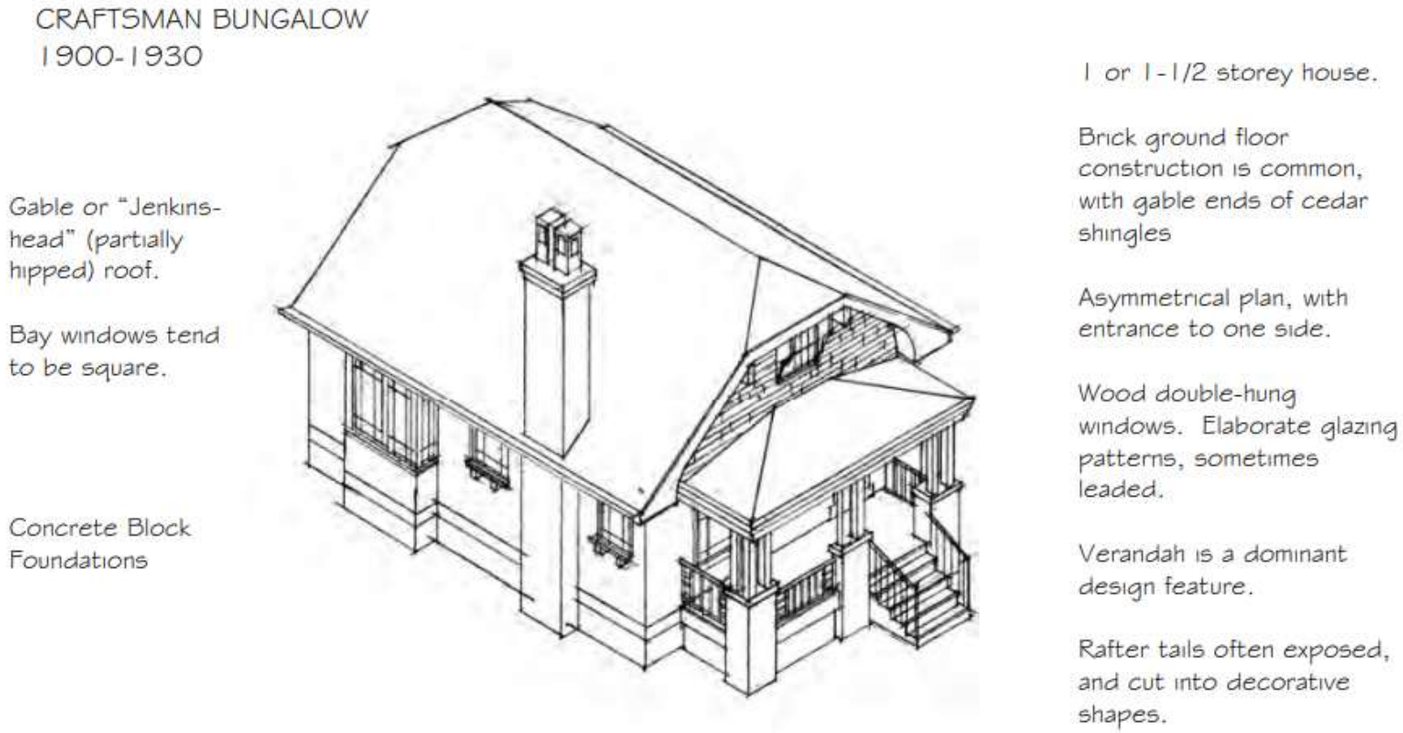




Methodology

2. Architectural Evaluation

426 Burlington Avenue



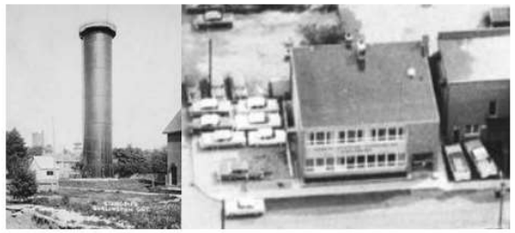
Heritage Styles Guide from Keeping Place: Heritage-Based Urban Design Guidelines for Downtown Burlington

Sample Listing Statements

2. 2010 Maria Street

Current Photo

Historic Photo



1924 Photo of water tower

1960 Aerial Photo

Legal Description	PLAN 92 BLK E PT LOT 1
Historic Land Use	Water tower (85' tall), former Police stat ion
Date of Construction	1950s
Heritage Value or Interest	This two-storey masonry building is believed to have historical value for its former use as a police station. It is believed to have design value for its mid-century modernist details including long horizontal windows at ground level. The façade is a mix of brick and tile. Alterations include a reduction in the width of the upper storey windows.
Heritage Status	None
Assessment	(✔) Qualifies for Heritage Register

8. 353-355 Brant Street

Current Photo

Historic Photo (1914)

1914 post card of Brant Street looking north from what was then Water Street. From "The Prints of Burlington."

Legal Description	PLAN 92 PT BLK M RP 20R8210 PARTS 1,3,4
Historic Land Use	Retail
Date of Construction	Pre 1910
Heritage Value or Interest	Two-storey building believed to have historical value for its age and former retail use. The building is believed to have architectural value for its original form, scale and massing and its arrangement of upper storey segmental arched windows with stone or concrete sills. Alterations include aluminum windows, painted stucco covering the original masonry and cornice. Ground floor storefronts have been replaced. Original masonry side walls and structure may be intact.
Heritage Status	None
Assessment	(✔) Qualifies for Heritage Register

Conservation Tools

IDENTIFICATION → GROUP PROTECTION → INDIVIDUAL PROTECTION

Listing on the Heritage Register

- Property appears on Heritage Register
- Any alteration permitted
- Demolition delayed (60 days)
- No permits needed
- No by-law
- No special guidelines
- Not registered on title
- No advance notice required
- Objection rights
- No OLT appeal rights

Heritage Designation (District)

- Property appears on Heritage Register
- Alterations to common features in district restricted
- Demolition restricted
- Permits needed
- Area-specific bylaw
- HCD Guidelines
- Status registered on title
- Advance notice required
- Objection rights
- OLT appeal rights

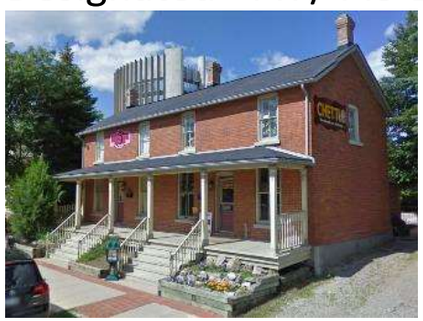
Heritage Designation (Individual)

- Property appears on Heritage Register
- Alterations to particular building features restricted
- Demolition restricted
- Permits needed
- Property-specific bylaw
- Standards and Guidelines
- Status registered on title
- Advance notice required
- Objection rights
- OLT appeal rights

Non-designated vs Designated

Non-designated- 361 Brant Street (Many changes made)

Designated- 447/449 Locust Street (Few changes made)



2009

2015

2018

2022

Objection Rights

- Under the *Ontario Heritage Act*, owners can object to the listing
- There is no deadline for an objection
- Council must then reconsider listing and decide if property should continue to be listed or not

1959 Aerial Photo of Burlington, McMaster University Digital Archive

Staff Recommendation

Direct the Director of Community Planning to add the following list of properties to the Municipal Heritage Register and provide notice to the owner of the property within 30 days, pursuant to section 27(5) of the Ontario Heritage Act, R.S.O. 1990, c. O.18;

- 353-355 Brant St
- 2010 Maria St
- 468 Elizabeth St
- 441 Elizabeth St
- 436 Pearl S
- 488 Locust St

Brant Street 1920-1940 Joseph Brant Museum Collection

8. 353-355 Brant Street

Current Photo

Historic Photo (1914)

1914 post card of Brant Street looking north from what was then Water Street. From "The Prints of Burlington."

Legal Description	PLAN 92 PT BLK M RP 20R8210 PARTS 1,3,4
Historic Land Use	Retail
Date of Construction	Pre 1910
Heritage Value or Interest	Two-storey building believed to have historical value for its age and former retail use. The building is believed to have architectural value for its original form, scale and massing and its arrangement of upper storey segmental arched windows with stone or concrete sills. Alterations include aluminum windows, painted stucco covering the original masonry and cornice. Ground floor storefronts have been replaced. Original masonry side walls and structure may be intact.
Heritage Status	None
Assessment	**(✔) Qualifies for Heritage Register**

2. 2010 Maria Street

Current Photo

Historic Photo

1924 Photo of water tower

1960 Aerial Photo

Legal Description	PLAN 92 BLK E PT LOT 1
Historic Land Use	Water tower (85' tall), former Police stat ion
Date of Construction	1950s
Heritage Value or Interest	This two-storey masonry building is believed to have historical value for its former use as a police station. It is believed to have design value for its mid-century modernist details including long horizontal windows at ground level. The façade is a mix of brick and tile. Alterations include a reduction in the width of the upper storey windows.
Heritage Status	None
Assessment	**(✔) Qualifies for Heritage Register**

8. 468 Elizabeth Street

Current Photo

Historic Photo

1915 Photo of Elizabeth Street looking North towards Caroline

Legal Description	PLAN 92 BLK F PT LOT 6
Historic Land Use	Residential (dwelling)
Date of Construction	Pre 1910
Heritage Value or Interest	This two storey masonry building has historical value for its age and potential to yield information about Burlington residential areas before 1910. It is believed to have design value for its vernacular homestead and craftsman details. The house is two bays wide, with entrance positioned at the side of the ground floor. The full width veranda with craftsman style stone base is original. Two-over-two sash windows feature segmental arches.
Heritage Status	None
Assessment	**(✔) Qualifies for Heritage Register**

16. 441 Elizabeth Street

Current Photo

Legal Description	PLAN 92 BLK K PT LOT 3
Historic Land Use	Empty lot
Date of Construction	Unknown, post 1924
Heritage Value or Interest	Believed to have some historical and design value. Basic vernacular homestead with heavily altered façade with minimal distinguishing historic features. Segmental arched window visible on side elevation
Heritage Status	None
Assessment	**(✔) Heritage Burlington Advisory Committee recommends for inclusion on Register**

18. 436 Pearl Street

Current Photo

Legal Description	PLAN 92 BLK K LOT 14
Historic Land Use	Residential (Dwelling)
Date of Construction	Pre 1910 (Middle gable roof portion)
Heritage Value or Interest	This building is believed to have some potential historical value due to its local reputation and conversion from a two-storey gable roof house to a popular restaurant. Extensively altered with ground storey additions. Second storey has been re-clad and no window openings remain.
Heritage Status	None
Assessment	**(✔) Heritage Burlington Advisory Committee recommends for inclusion on Register**

7. 488 Locust Street

Current Photo

Historic Photo

1950s image of Locust Street- Vintage Burlington

Legal Description	PLAN 74 PT LOT 50
Historic Land Use	Residential (Dwelling)
Date of Construction	Pre 1910
Heritage Value or Interest	This property is believed to have historical value for its significant age and potential to yield information about Burlington's residential neighbourhoods before 1910. It is also believed to have architectural value for its Victorian vernacular features including a covered porch, bay window, round arched window in the second-storey gable and two-over-two sash windows.
Heritage Status	None
Assessment	**(✔) Qualifies for Heritage Register**

Addressing our objections to Heritage Status for 437 & 441 Elizabeth Street

437 Elizabeth St. –

- a new addition was added which is not original to building
- original brick has been painted

Both buildings are not of any significant architectural detail that is of any cultural importance. The buildings are presently not taking advantage of property lot size for potentially more dense coverage. When both buildings were purchased the terms and conditions did not include heritage restrictions – this is being “beside” introduced “after”. Existing (adjacent properties) are both high rise construction. The properties should be allowed to be developed for more people to enjoy the downtown (high rise) experience. These properties 437 & 441 will be devalued if given the heritage designation.

Davies Howe
LAND DEVELOPMENT ADVOCACY & LITIGATION

Aaron I. Platt
aaronp@davieshowe.com
Direct: 416.263.4500
Main: 416.977.7088
Fax: 416.977.8931
File No. 703951

December 5, 2022

By E-Mail Only to *kevin.arjoon@burlington.ca*

Mr. Kevin Arjoon, City Clerk
The Corporation of the City of Burlington
426 Brant Street, P.O. Box 5013
Burlington, ON L7R 3Z6

Dear Mr. Arjoon:

Re: City of Burlington
Proposal to List 468 Elizabeth Street, Burlington on the Heritage Register
Objection to Listing due to Lack of Particulars
Request for Deferral

We are counsel to Crystal Homes, the owner of 468 Elizabeth Street (the "**Subject Property**").

We are writing in response to the City's proposal to list the Subject Property on the Heritage Register.

Having received a five-sentence written justification for the proposed listing of the Subject Property in the Heritage Register, our client requests more time to complete their own, more detailed, study.

Independent study is necessary as the particulars included in the justification fail to provide insight into the nature of the purported heritage value of the Subject Property. Accordingly, our client disagrees with the proposed listing of the Subject Property.

Given the specialized nature of the knowledge required to conduct a thorough study, we anticipate that there will not be sufficient time to complete the work ahead of Council's meeting on December 13, 2022. Given the upcoming holiday season, we expect that such constraints will last into the new year.

A deferral is appropriate and proportionate under the circumstances, given the considerable, uncompensated, inconvenience that is created by being listed in the Heritage Registrar under the *Ontario Heritage Act*.

Yours truly,
DAVIES HOWE LLP

Aaron I. Platt
Professional Corporation

AIP: al

copy: Mr. John O'Reilly, City of Burlington, Planner II, Heritage

SUBJECT: City of Burlington Outdoor Patio Program - update for Q4 2022

TO: Community Planning, Regulation & Mobility Cttee.

FROM: Community Planning Department

Report Number: PL-76-22

Wards Affected: All

File Numbers: 560-01

Date to Committee: December 6, 2022

Date to Council: December 13, 2022

Recommendation:

Endorse, in principle, the Draft Patio Design Guidelines attached as Appendix B to community planning development report PL-76-22, with modifications as a result of additional stakeholder consultation to be included in a final report to Council in Q1 2023; and

Direct staff to include an annual application fee and any other relevant fees for the Temporary Outdoor Patio Program, for both public and private property, as part of the annual Rates and Fees By-law, to be included in a final report to Council by Q1 2023.

PURPOSE:

This report is being prepared in response to Council's direction of September 13, 2022, to deliver an interim report to the Community Planning, Regulation & Mobility Committee meeting of December 6, 2022, regarding the future of outdoor patios outlining progress to date and draft policy directions for the 2023 patio season, which can be found at the below link:
https://burlingtonpublishing.escribemeetings.com/Meeting.aspx?Id=92033363-303f-46eb-a66b-41051b7fb12b&Agenda=Merged&lang=English&Item=21&Tab=attachments

This report provides an update on the progress to date for the implementation of a permanent seasonal patio program in 2023. Based on feedback from operators and the public, there is strong support for a patio program that offers a streamlined administrative process and easy-to-understand guidelines that are updated annually to

support the understanding of program requirements, while keeping updated as legislation changes.

This report and its recommendations speak to the draft patio design guidelines as prepared to date as included in **Appendix B** to this report, the results of the initial public consultation on the program, and next steps.

Vision to Focus Alignment:

- Increase economic prosperity and community responsive city growth
- Improve integrated city mobility
- Building more citizen engagement, community health and culture
- Deliver customer centric services with a focus on efficiency and technology transformation

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Background and Discussion:

While the Temporary Patio Program provided flexibility in the face of COVID-19 capacity related restrictions, restaurant operators want ongoing certainty regarding the outdoor patio program so they can make informed business decisions about whether to participate in the program and invest in their patios.

Additionally, there is a strong desire amongst restaurant operators, community members and the local Business Improvement Associations (BIAs) to implement a consistent set of design guidelines for patios that positively shift the look, feel and function of Burlington's main streets, increase the vibrancy of the public realm, improve the user experience in the public right of way, including both curbside space and the sidewalk, and improve accessibility in and around patios.

History of the Pop-up Patio Program and Temporary Patio Program in Burlington

The Pop-Up Patio Program was initially created to permit a single on-street patio at 455 Brant Street. The number of participating patios increased to two by 2017, and to three by 2019.

On June 18, 2020, Council passed Temporary Use By-law 2020.421 to permit temporary outdoor patios in response to the COVID-19 pandemic, which in effect created the current Temporary Patios Program. This included the removal of fees and

regular processes, including Site Plan Approval and Zoning Clearance Certificate, to make it easier for restaurants to install temporary outdoor patios.

A full summary of Council's decisions relating to the creation of the Pop-up Patio Program and Temporary Patio Program can be found in **Appendix A** of this report.

Participation in the Pop-Up Patio and Temporary Patio Program Since 2015

Initially, participation in the Pop-Up Patio Program was limited to a single pop-up patio at 455 Brant Street. By the 2017 season, there were two participating restaurants (370 and 455 Brant St). In 2019, a third pop up patio was approved on Brant Street at 380 Brant St.

Beginning with the implementation of the Temporary Patio Program in June 2020, participation in the program has varied year-over-year:

- 51 in 2020 (17 public, 34 private);
- 60 in 2021 (16 public, 44 private); and
- 27 in 2022 (14 public, 13 private)

It is of note that many businesses applied for a temporary patio on private property at the outset of the Temporary Patio Program and ultimately did not move forward with an installation of a patio due to changing COVID-19 restrictions and the cost of installation. Additionally, the decrease in the number of public and private patios in 2022 is, in part, due to the relaxing of provincial restrictions on indoor dining. Despite the changing provincial legislative framework, the number of patios on public property (i.e., curb lane or sidewalk installations) has remained relatively consistent since June 2020.

Seasonal outdoor patios will continue to form an important part of the public realm and provide additional dining options for restaurant operators in Burlington during the Spring, Summer and Fall seasons. It is important that patios are effectively regulated, which would provide certainty for operators from a design and process standpoint.

Strategy/process

Report PL-67-22, dated September 13, 2022 set out an estimated timeline for the study and preparation of a permanent seasonal patio program per the below, which will continue to be refined as the study progresses.

August-September 2022	• Project Kick Off. • Formation of interdepartmental Patios Team, to meet every two weeks for the duration of the project. • Set up project website and online questionnaire that engages both businesses and area residents.
October-November 2022	• Conduct research and develop draft city-wide patio guidelines and program structure. • Community engagement to present draft permanent patio guidelines and program structure.
Q4 2022 and Q1 2023	• Preparation of draft city-wide patio guidelines and program structure. Report to Burlington City Council in advance of the 2023 patio season.
Q2 2023-onward	• Ongoing monitoring and refinement of policies, regulations and guidelines.

The project website launched in early-September on Get Involved Burlington and will provide updates throughout the duration of the project. The City-Wide Patio Program website is available at the below link:

https://www.getinvolvedburlington.ca/city-wide-patio-program

As will be discussed in the proceeding sections, the timing of the work plan remains on target. The outline above provides for a phased approach to implementing a permanent patio program for the 2023 patio season.

Draft Patio Design Guidelines

Pursuant to Council's direction to report on options for the standardization of patio materials for patios on municipal property and through engagement with businesses and BIAs, staff recognizes the interest to pursue a more consistent design framework for restaurant patios, particularly those on public property.

In accordance with this direction, staff have prepared a set of comprehensive design guidelines based on current best practices in the City of Burlington and surrounding GTHA municipalities. The draft design guidelines distinguish between patios on public

property (curb lane and sidewalks), as well as those on private property and provide the following details:

- Design guidance for patios on public property (curb lane and sidewalks), as well as patios on private property;
- Accessibility requirements for all patios;
- Instructions of how operators can apply and step-by-step details on how applications will be processed;
- Guidelines related to fencing, umbrellas and canopies; and
- Fire safety requirements.

The draft guidelines are attached as Appendix B and have been circulated to key stakeholders including the Burlington Downtown Business Association (BDBA), the Aldershot Village BIA (ABIA), the Burlington Restaurant Association (BRA), restaurant operators in the City of Burlington and the City's advisory committees regarding accessibility, streetscape design and use of space. The draft guidelines will be posted for public feedback the week of November 28, 2022.

The draft design guidelines continue to be informed by feedback from key stakeholders, as well as members of Council. Staff are therefore recommending that Council endorse the Draft Patio Design Guidelines, in principle, subject to further public and stakeholder consultation being conducted, with the results of the additional consultation included in a Final Report to Council by Q1 2023.

Application and Permitting Process

As has been the practice in the City of Burlington and in many surrounding GTHA municipalities, applicants to the patio program apply electronically through the City's Temporary Outdoor Patios website. The feedback amongst participating restaurant operators has been generally positive with respect to the usability of the current online application.

However, opportunities exist to improve the internal process of reviewing applications. Under the current program, sidewalk patios are processed separately from curb lane patios and are therefore subject to a different processing framework. In Burlington, sidewalk patio operators are issued a license for a fixed term that is renewable at the end of said term. Currently, sidewalk license applications are reviewed through Legal Services and By-law and are not subject to specific design requirements.

Conversely, curb lane patios, some of which in their current form would be considered sidewalk patios under the proposed new design framework are subject to review by Fire, Building and By-law, Community Planning, Transportation and Roads, Parks and Forestry. Upon review, and if an application is successful, a patio agreement with the operator is then registered and is in effect until the end of the patio season, which in the case of the 2022 season was October 31st.

The preparation of individual license agreements represents a significant input of time for staff and issuance of final approvals for restaurant operators. Other municipalities, including the Town of Oakville, City of Mississauga, and the City of Peterborough have implemented a permitting process for public right-of-way patios, whereby a road occupancy permit is issued to allow for exclusive use of a curb lane or right-of-way for the duration of the patio season. Applications would still be reviewed with respect to the proposed design to ensure the safety of the travelling public and the patrons occupying the patio. However, a significant time savings would be achieved by not requiring a legal agreement for each patio. An approved road occupancy permit, or similar permit, would be subject to many of the same conditions.

Community Planning Staff, in consultation with Legal and Building and By-law staff will continue studying a specialized road occupancy permit process for the 2023 patio season and will provide an update as part of the Final Report to Council by Q1 2023.

Fees

The fees for the Outdoor Patio Program will be established through the Rates and Fees By-law in 2023 including application fees for both municipal and private property. These fees will be in line with the administration required by staff, the costs associated with occupying public parking spaces and/or sidewalk spaces by patios and will be reviewed annually through the User Fee By-law.

As part of the original Pop-Up Patio Program from 2015-19, the licensee was responsible for payment of fees to off-set the loss of revenue from parking spaces, which amounted to approximately $3,254.00 for 154 days per space. This fee was eventually reduced and is now $1,720.00. This fee has not been charged since the implementation of the Temporary Patios Program in June 2020 due to the pandemic recovery efforts. It is important to note that during this time, outdoor patios on private lands were also not charged permit and site plan fees.

Staff have reviewed the rates surrounding municipalities charge for on-street patio installations, as well as examined potential fees from a cost recovery and commercial

valuation perspective. While most surrounding municipalities did not charge a fee in 2022 for patios on public property, those that did charged between $300.00 and $900.00 for patios on public lands.

Based on market value for commercial lands and the cost of occupying parking spaces on a per square foot basis, staff recommend the following:

- Any patio that occupies an on-street or off-street municipal parking space is required to pay a fee of $750.00 per space;

- Any patio that occupies an on-street or off-street municipal parking space and requires the installation of required safety devices (i.e. knock down bollards, hazard marker signage, barriers, etc.), may, as determined by the Director of Transportation, be required to pay an additional fee of $500.00 per application;

It is important to note that any proposals for permanent patios that would permanently occupy public property or other private property would not be part of the Seasonal Outdoor Patio Program and would be reviewed on a case-by-case basis in accordance with the City's Rates and Fees By-law and leasing/licencing policies.

Staff will bring forward a final recommendation on fees for patios on both public and private property for the 2023 patio season as part of the Q1 Final Report.

Staffing

There will be no staffing implications associated with the administration of this program. The Outdoor Patio Program would continue to be administered by the Special Projects & Urban Design section of Community Planning, Regulation and Mobility.

Insurance

In 2021 and 2022 under the Temporary Patio Program, Council endorsed a motion directing staff to amend the insurance provision of the patio licence agreement to require patio operators to provide liability insurance on public property patios in Burlington in the amount of $2 million, naming the City as an additional insured on the policy. This $2 million liability limit was a reduction from the recommended limit of $5 million, which was the liability limit that had been in place under previous years' patio programs.

Staff have reviewed insurance and risk related matters for patios located on public property and have consulted with the City's broker. Based on that review and consultation, staff are recommending resumption of the $5 million liability limit for the 2023 patio season. Staff have researched surrounding and similar-sized municipalities in Ontario to understand what the liability requirements in other communities were for 2022 and several communities have a $5 million liability requirement, including Hamilton, St. Catharines, Markham and Mississauga.

Further detail and a recommendation to this effect will be included as part of the Q1 Final Report.

Temporary Use By-laws and Further Zoning By-law Amendments

To implement the Pop-Up Patios Program and the Temporary Outdoor Patios Program, Council has enacted a number of By-laws passed under both the *Municipal Act* (relating to the temporary removal of the common law right-of-passage for certain streets) and the *Planning Act* (Temporary Use By-law to permit temporary outdoor patios on private lands).

The current legislative environment regulating patio approvals is as follows:

Patios on Public Lands

Municipally owned rights-of-way do not have zoning. Currently, delegated authority has been given to the Director of Transportation through By-law 24-2022 to restrict the common law right-of-passage to temporarily prohibit the passage of vehicles to permit on-street restaurant patios and on-street retail uses. This By-law included all areas of the Downtown located within the Burlington Downtown Business Association (BDBA) boundary area and expired on October 31, 2022.

Patios on Private Lands

Under Zoning By-law 2020, a new outdoor patio, expansion of an existing outdoor patio or tent on private lands would require site plan approval and the issuance of a zoning clearance certificate. However, these requirements, together with their associated fees, were waived until January 1, 2023 through the approval of Report PL-08-22 and By-law 2020.438.

Recreation/Entertainment Uses on Patios:

In August 2016, Council adopted By-law 34-2016 to permit entertainment and recreational uses on outdoor patios in the Downtown (PB-66-16). The adoption of the

By-law was initiated when staff became aware that the already established practice of live entertainers on patios was not permitted through the Zoning By-law's definition of "Patio, Outdoor". The initial Temporary Use By-law was extended for a 3-year term in July 2019 with modifications to remove the condition prohibiting the operation of any electronic device intended to amplify sound and were recently extended in July 2022. The permissions and conditions of the current Temporary Use By-law are set to expire on July 12, 2025.

Zoning By-law 2020 will need to be amended to implement a comprehensive set of standards to implement the patio program on a permanent basis. Staff understand that the By-law restricting common law right-of-passage expired on October 31, 2022, while the Temporary Use By-law affecting patios on private lands is set to expire on January 1, 2023. The risk of allowing these By-laws to lapse is minimal, as all patios have now been removed from public property and those on private property will be removed by January 1, 2023. This timeline coincides with the Alcohol and Gaming Commission of Ontario (AGCO) extension of the policy to allow for the temporary physical extension of patios for liquor sales licensees. Upon expiry of this new by-law, the zoning restrictions for outdoor patios in Zoning By-law 2020, as amended, would resume.

Further study is required to determine the appropriate Zoning By-law standards to implement the design guidelines in their final form, as well as the appropriate locations to permit live music on patios outside of the Downtown. This would also allow staff to study any changes to AGCO requirements that may impact the By-law(s), as they are implemented in January 2023.

As the design guidelines evolve through consultation, staff will continue to study and refine a draft Zoning By-law to implement the patios program with a Final Report to Council in Q1 2023. Staff will also bring forward an updated By-law delegating authority to allow the Director of Transportation to temporarily restrict the common law right-of-passage for vehicles at the same time for those areas of the City that will permit curb lane patios.

Financial Matters:

Program and By-Pass Costs:

The most significant cost associated with the current Temporary Patio Program is the installation of orange barriers on the roadway, along with the construction of an asphalt

ramp to provide a pedestrian clear path for accessible pedestrian passage to and from the street. In response to requests for temporary patios on public lands, in the event of multiple adjacent sidewalk patio requests, or where it is determined that there is insufficient space for the public to move safely around a patio, City resources have been allocated free of charge to patio operators to create safe pedestrian clear paths.

This requires the installation of water-filled jersey barriers, which are orange in colour and traffic barrels. In 2020-22, these were utilized to implement pedestrian clear paths to accommodate patios that occupy the entire width of the sidewalk. The estimated cost of labour and installation of barriers and asphalt ramps to create pedestrian clear paths around a patio on public lands equated to approximately $15,500.00. This is based on the estimated cost to implement the Temporary Patio Program in 2022 in the Downtown.

Funding associated with creating safe pedestrian clear paths for the patios program was allocated through the Safe Restart Program. However, this funding program has been discontinued, and as such funding for the 2023 Seasonal Patios Program will need to come from elsewhere.

While it is understood that as a pandemic-related relief program, creating pedestrian clear paths was necessary for the restaurant community, it presents concerns from a bonusing and budgetary perspective on a go-forward basis. Through discussions with restaurant operators, stakeholders and through the survey results, concern was raised with respect to the appearance and traffic impact associated with the implementation of the orange barriers required to create these pedestrian clear paths.

The Draft Patio Burlington Design Guidelines speak to minimum pedestrian clear paths on sidewalks and pedestrian by-passes, which would address pedestrian access around patios throughout the Downtown. However, there is still a requirement from the Ontario Traffic Council (OTC) for barriers on streets where there are no formal parking stalls (Elgin Street and Pine Street), or streets with higher traffic volumes (Lakeshore Road).

To that end, there are two options for consideration:

<u>Option 1: Continue to Provide Barriers for the Creation of Pedestrian Clear Ways (COVID-era measure):</u>

Maintaining the status quo, which would utilize the City-owned orange barriers and asphalt ramps to permit pedestrian clear paths on the roadway at an ongoing operational cost of $15,500.00.

This cost would be recovered through an additional fee on top of the base fee, administered at the time an operator is approved for a curb lane patio, if there is additional work required for the City to install and maintain required safety devices (knock down bollards, hazard marker signage, planters, etc.)

Option 2 (Recommended by Staff): Discontinue Providing On-street Barriers for the Creation of Pedestrian Clear Paths on Roads (Pre-COVID approach):

This would place the onus on restaurant operators to provide and install a pedestrian by-pass where permitted, which is the same practice as the former Pop-Up Patios program. There would still be ongoing costs associated with installing and maintaining required safety devices, which could include the installation of orange barriers in some locations, at an estimated cost of $10,000.00. However, the requirement for the City to install asphalt ramps to access pedestrian clear paths would be eliminated.

Based on the fees as outlined above and assuming a similar uptake of 14 patios on public property like the 2022 patio season, the revenues generated by collecting a permit fee at the rates recommended above may offset costs by approximately $10,000.00 for 2023, with potential increases depending on the need for City staff to install and maintain required safety devices. Therefore, factoring in the revenue generated by a fee, the estimated impact on the 2023 Budget is as follows:

2023 Budget Impact:

	One-Time Cost 2023	**Ongoing**
Option 1 (Existing Barriers)	None	$5,000.00
Option 2 (No Barriers)	No impact	No impact

The Draft Patio Burlington Guidelines speak directly to accessibility for pedestrians and require a pedestrian by-pass to be a raised platform, level with the sidewalk, to allow

pedestrians to maintain a clear path of travel. If Council were to continue to provide barriers for the creation of pedestrian clear ways on the road, it would run contrary to the proposed design guidelines and would incur a greater cost to the City.

After a detailed review, the recommendation from staff is to implement Option 2 as part of a permanent, seasonal patio program to ensure compliance with the proposed patio design guidelines.

Future Centrally Managed Patio Walkway System and Patio Beautification (Beyond 2023):

Beyond 2023, there may be funding opportunities through the City of Burlington Municipal Accommodation Tax (MAT) Revenue Reserve Fund for beautification of restaurant patios on public property. The MAT Reserve Fund is intended to support projects and initiatives that result in measurable improvements to city services that enhance tourist experiences and increase their visitation. While the funds for Tourism Burlington will be allocated, there remains the City's portion of MAT revenue (50 per cent of total collected, minus administration costs).

The MAT Revenue Reserve Fund could be utilized for a centrally managed patio walkway system that could be funded and implemented by the BDBA or centrally managed body. This could present an opportunity to create an alternate model for custom made barriers, planters and walkways that promote a sense of place and will encourage more visitors to Burlington.

Staff will continue to monitor the MAT Revenue Reserve Fund as a possible source of additional funding for the beautification of patios on public property.

Climate Implications

Curbsides have long been one of the most important spaces in cities, and for the most part they have been an afterthought with parking as the default use. By activating the curbside in a more valuable way for patio uses, it increases the vibrancy of the public realm and has changed the way people perceive the value of the right-of-way. A comprehensive, updated patio program would encourage walkability, prioritize pedestrian movements, which results in less dependence on the automobile as a mode of transportation.

As confirmed by the City-Wide Patio Program survey results, the public has embraced the current program's ability to transform the general atmosphere and liveliness of business areas, particularly in Downtown Burlington.

Engagement Matters:

Patios Survey

In September 2022, staff launched a public survey about the City-Wide Patio Program to provide an opportunity for residents, patio operators and businesses to comment on the current program and what they would like to see as part of a future, City-Wide program for 2023. The survey was open for four weeks and 484 responses were received from members of the public, 13 from current restaurant operators with a patio and 5 from businesses without a patio.

Responses from members of the public indicated widespread support and approval of sidewalk and street patios, with 378 (78.8%) of respondents indicating they believe extended sidewalk and curb lane cafés should be allowed in the City. The primary basis for this support is that sidewalk and street patios provide more outdoor dining options (343 responses), benefit local business (342 responses), and improve vibrancy in and around business areas (318 responses). A majority of respondents in support of patios indicated that it was very easy or easy to travel around restaurant patios.

In contrast, only 75 (15.6%) of public respondents indicated that they were not in support of sidewalk and street patios across the City of Burlington, due to more congested traffic (68 responses) and a reduction in the ability to get around the City by car or foot. In direct response, staff have heard many comments from members of the public regarding the traffic conditions along Lakeshore Road. Respondents also indicated that they were not in support of patios due to less accessible sidewalks and having to sit next to moving and idling vehicles. The full public survey results are attached as Appendix C.

Members of the public were also asked if they’ve chosen that traveling around restaurant patios has been hard or very hard to explain what they have experienced. Some of the direct feedback included the following:

- Traffic jams. I live on Lakeshore Road and the introduction of patios on a major artery is exacerbating an already busy road with restricted traffic flow.
- Closed lanes, steps up and down on/off the sidewalk, poor/missing signage.

- Cyclists are forced into a single lane of traffic westbound on Lakeshore Road a block east of Brant. Same issue on Elgin Street, but there's a lot less traffic.
- The loss of a lane on Lakeshore Road westbound near Brant Street does exacerbate traffic congestion during times of heavy traffic.
- Walking areas get so congested not only with people walking but people leaning their bikes on the barriers. Lanes have been taken away which makes for congested roads. Extra patios should not be allowed only what they were originally given.
- As a cyclist, it is impossible to maintain a safe distance from the vehicular traffic.
- Sidewalks should be kept clear.
- Creates a corridor too narrow for regular pedestrian and especially cycle traffic. If the roadway (especially Lakeshore Road) could be widened, then obviously there'd be no conflict. Cycling is especially dangerous in that area.
- So much congestion downtown already. Roads not designed for patio encroachment. Pedestrians with mobility equipment must walk on the road. Drivers have too many distractions. Plastic orange bollards are ugly and confuse pedestrians.
- As a person with a disability going up and down the sketchy ramps on and off the road is dangerous and frightening. I avoid many areas of downtown due to having to travel on the road. Also, the fences change all the time increasing risk.

Of the 13 current participants in the program who responded to the survey, 10 (76.9%) respondents indicated that patios should be permitted on streets and sidewalks throughout the City of Burlington. The following were rated as "very important" as part of an updated patio program:

- Affordable application and permit fees (13 of 13 respondents)
- The overall look of patios (10 of 13 respondents)
- The ability to serve alcohol (10 of 13 respondents)
- Having a simple, straightforward process (9 of 13 respondents)
- The ability to extend a patio in front of your neighbour's business (9 of 13 respondents).

Current participants were also asked as part of a new outdoor patio program, what changes should be made to the existing program. Consistency of patio requirements, speed of approvals, better communication about the program and expansion of the program City-Wide were most frequently cited as potential changes to the program.

The full participant survey results are attached as Appendix D.

Stakeholder Groups

Since the September 2022 update to Council, staff have been in frequent discussions with the BDBA, Tourism Burlington and members of the restaurant community to gather their direct feedback in response to the patio program for 2023. Feedback received thus far has been generally positive, with concerns raised about the application process, fees, insurance and enhanced safety and design criteria. Staff will continue to engage with the identified stakeholders with a further update on stakeholder engagement as part of the Final Report in in Q1 2023.

Conclusion:

Staff will be bringing forward a Final Report which will continue to implement a streamlined application and permit process, finalized fee structure and patio design guidelines in Q1 2023. Additionally, at the same time in Q1 2023, staff will recommend approval of an amendment to Zoning By-law 2020 to permanently implement zoning standards for the outdoor patio program on private lands.

In the meantime, staff recommend that Council endorse, in principle, the draft Patio Burlington Design Guidelines attached as **Appendix B**, with modifications as a result of additional stakeholder consultation to be included in a Final Report to Council by Q1 2023;

Respectfully submitted,

Jason Brander, MCIP, RPP

Special Business Area Coordinator

905-335-7600 ext. 7410

Appendices:

A. History of the Pop-Up Patio Program and Temporary Patio Program in Burlington
B. Draft Patio Burlington Design Guidelines
C. Patios Survey Results – Members of the Public
D. Patios Survey Results – Patio Operators

Notifications:

Craig Kowalchuk, Burlington Restaurant Association

Andrea Dodd and Tiffany Budler, Aldershot Village BIA, andrea@aldershotbia.com and tiffany@aldershotbia.com

Brian Dean, Burlington Downtown Business Association, brian@burlingtondowntown.ca

Report Approval:

All reports are reviewed and/or approved by Department Director, the Chief Financial Officer and the Executive Director of Legal Services & Corporation Counsel.

Appendix A

History of the Pop-up Patio Program and Temporary Patio Program in Burlington

In 2015, Council approved a pilot program to permit a single pop-up patio at 455 Brant Street through by-law 51-2015 (DID-07-15).

In 2016, the pilot was extended and continued to 2017, permitting a maximum of 10 pop-up patios as well as a modified evaluation criteria and license agreement. By the 2017 season, there were two participating restaurants (370 and 455 Brant St).

By-law 18-2017 was introduced though Report PB-20-17 and was enacted by Council on April 18, 2017 which delegated authority to staff to temporarily restrict the common law right of passage over certain portions of Brant, John and Pine Streets to permit seasonal restaurant patios.

In 2018, Council approved an additional 2-year extension of the pop-up patio program along with modifications to the program (limiting seating and table top heights to ensure sightlines and visibility for traffic and parking), a reduced season, ending in mid-September (from October) as well as the introduction of an alternate design to the traditional on-street pop-up patio which permitted sidewalk patios immediately adjacent to the establishment, and the creation of a “boardwalk” through the on-street parking stall.

On April 20, 2020, Council approved the continuation of the pop-up patio program. Report PL-11-20 recommended that the pop-up patio program move from a pilot project and continue as a regular and recurring program to promote a vibrant and animated downtown.

https://burlingtonpublishing.escribemeetings.com/filestream.ashx?DocumentId=40941

History of the Temporary Patio Program

On June 18, 2020, Council passed Temporary Use By-law 2020.421 to permit temporary outdoor patios in response to the COVID-19 pandemic. Also, Council approved the removal of fees and regular processes, including Site Plan Approval and Zoning Clearance Certificate, to make it easier for restaurants to install temporary outdoor patios. Additionally, By-law 39-2020 was passed to delegate authority to temporarily restrict the common law right-of-passage in connection with on-street restaurant patios and other on-street retail uses in Downtown Burlington.

https://burlingtonpublishing.escribemeetings.com/Meeting.aspx?Id=5b232255-6eac-43bb-a6ac-49f97bcb8bb3&lang=English&Agenda=Agenda&Item=13&Tab=attachments

On July 28, 2020, Council repealed By-law 2020.421 and passed Temporary Use Bylaw 2020.422 to permit temporary outdoor patios and update the zoning permissions to allow for limited tent structures.

https://burlingtonpublishing.escribemeetings.com/Meeting.aspx?Id=6cc2a863-2952-45a4-8a84-0f0c140ddbfe&Agenda=Agenda&lang=English&Item=12&Tab=attachments

On November 2, 2020, Council passed Temporary Use By-law 2020.426 to permit temporary outdoor patios, update and extend the temporary use permissions until October 31, 2021. This allowed restaurants and bars to continue operating their new temporary or expanded existing outdoor patios throughout the winter months of 2020-2021. Also, Council approved the formation of a Winter Patio Task Force to evaluate the feasibility of restaurant patio operations and installation of temporary tents to support outdoor dining throughout the winter season.

https://burlingtonpublishing.escribemeetings.com/filestream.ashx?DocumentId=43843

On February 3, 2021, Council repealed By-laws 2020.422 and 2020.426 and passed Temporary Use By-law 2020.427 to permit temporary outdoor patios while making changes to address the restrictive nature of zoning permissions related to the streamlined approval and installation of temporary tents on outdoor patios.

https://burlingtonpublishing.escribemeetings.com/Meeting.aspx?Id=607afbdf-87ba-4e4c-b86c-8302ef5b4d74&Agenda=Agenda&lang=English&Item=9&Tab=attachments

On October 19, 2021, Council passed By-law 2020.434 to extend Temporary Use By-law 2020.427 to permit temporary use permissions until April 14, 2022.

https://burlingtonpublishing.escribemeetings.com/Meeting.aspx?Id=89ffbe9e-e61e-4607-909e-86f03fbde92e&Agenda=Agenda&lang=English&Item=65&Tab=attachment

On November 23, 2021, Council carried staff directions SD-31-21, SD-32-21, SD-33-21 and SD-34-21 regarding the Future of City of Burlington Outdoor Patio Program, which directed staff to report to Council outlining a plan and process for moving forward with a permanent city-wide outdoor patio program, amongst other matters. Information on these directions can be found under Item 12.3(h):

https://burlingtonpublishing.escribemeetings.com/Meeting.aspx?Id=81f00a97-875a-47a8-8bdd-78e534f1f725&Agenda=PostMinutes&lang=English&Item=12&Tab=attachments

On March 1, 2022, Council approved By-law 2020.438, to extend the period of time for which Temporary Use By-law 2020.427 is authorized to permit temporary outdoor patios until January 1, 2023. Additionally, Report PL-08-22 suspended the Pop-Up Patio Program for Downtown Burlington for 2022 and waived the fees and requirements for site plan approval and zoning clearance certificate for temporary outdoor patios and temporary tents (structures) on public lands until October 31, 2022 and on private property until January 1, 2023.

https://burlingtonpublishing.escribemeetings.com/Meeting.aspx?Id=1b252fb9-7789-4111-b4c6-34130b72797b&Agenda=Merged&lang=English&Item=18&Tab=attachments

On July 12, 2022, Council approved By-law 2020.444 to extend temporary use permissions until July 12, 2025 to permit entertainment uses on outdoor patios in the downtown.

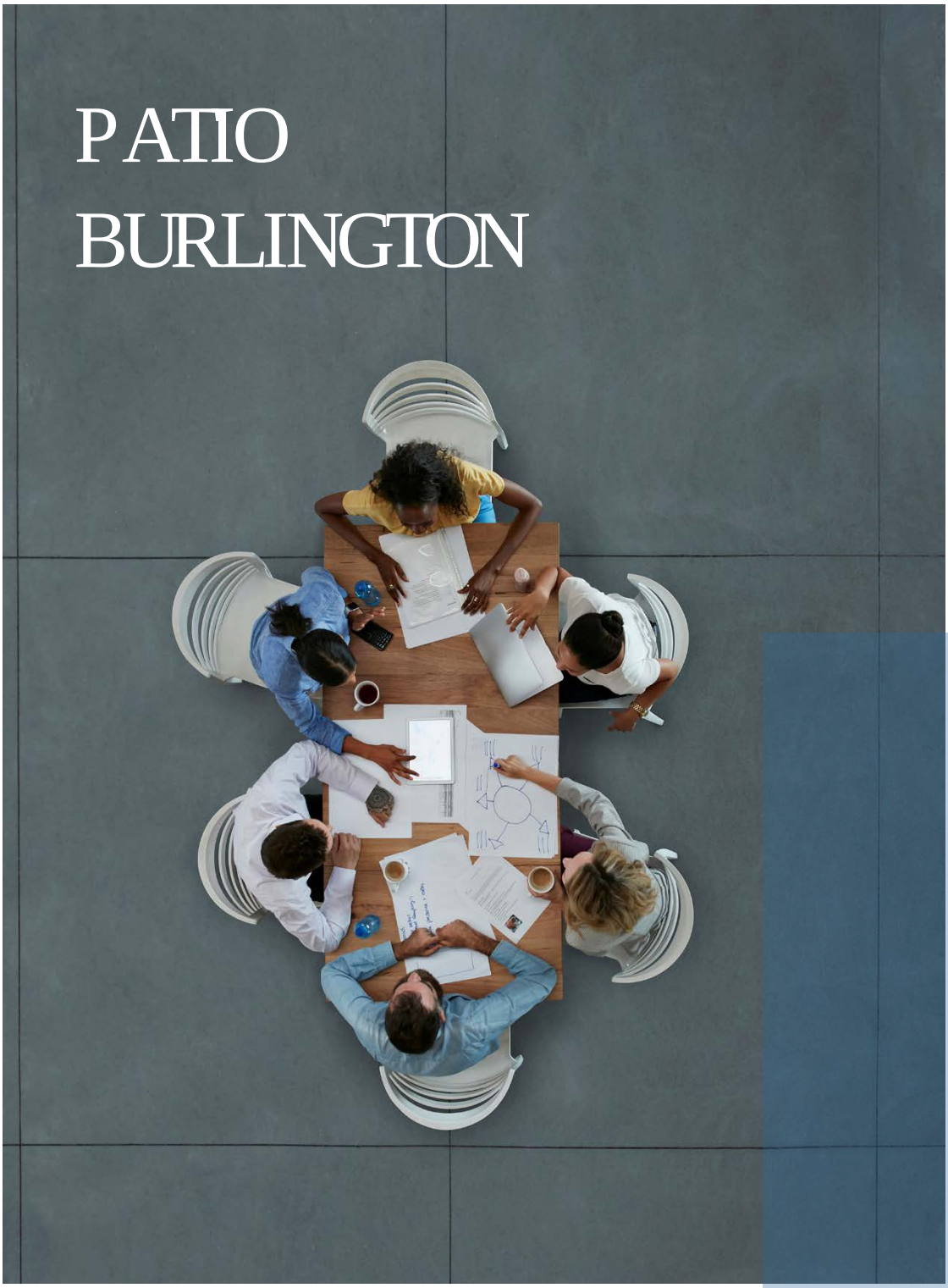
https://burlingtonpublishing.escribemeetings.com/Meeting.aspx?Id=43e56eb2-7014-48d9-b446-c926389b0060&Agenda=Merged&lang=English&Item=15&Tab=attachments

2023 GUIDELINES

PATIO BURLINGTON

A Guide for Patios on Public and Private Lands

PATIO BURLINGTON



ABOUT THE GUIDELINES

These guidelines provide direction on the application process for applying for temporary patios on public and private lands in the City of Burlington and provides design guidelines for the seasonal patio program. These guidelines include the minimum requirements that restaurants and bars must meet as part of the Patio Burlington Program.

The City of Burlington retains discretion to review installations in the right-of-way on a case-by-case basis considering factors such as limited frontage options, past complaints reported at the address, non-compliance with the Patio Burlington guidelines and conditions imposed by City Council in similar local circumstances.

These guidelines are subject to change and patios are only permitted in accordance with all requirements of the Province of Ontario and the City of Burlington, including statutes, bylaws, regulations, orders, and guidelines. Information will be updated to reflect evolving public health regulations as they are released.

Keep up to date on requirements by visiting:

https://www.burlington.ca/en/business-in-burlington/temporary-outdoor-patios.aspx

and reviewing this Guidebook regularly

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1

INTRODUCTION

The City of Burlington is offering local restaurant and bar operators access to public space on city streets and sidewalks to expand outdoor seating capacity.

Any curb lane or sidewalk patio must meet the design and operational requirements set out in this Guidebook, including but not limited to, obligations related to health and safety, accessibility, equipment (e.g., fencing, barriers, ramps, and planters), and insurance and indemnification requirements. Pedestrian mobility, physical distancing and road safety requirements must be met for this program to be successful for all members of the public.

The City of Burlington has prepared this document to summarize the essential information required to safely operate curb lane patios, where possible, for the 2023 patio season. These Guidelines may be revised from time-to-time by the City and can be found at:

https://www.burlington.ca/en/business-in-burlington/temporary-outdoor-patios.aspx
or email request to patios@burlington.ca.

Halton Public Health Requirements

Restaurants and bars in Burlington must operate in accordance with the Health Protection and Promotion Act and follow current public health guidelines as developed by Halton Public Health and the Province of Ontario. Please visit the Province of Ontario's website to stay informed. There may be additional requirements depending on current public health regulations.

Aldershot Village BIA (ABIA) and Burlington Downtown Business Association (BDBA)

BIAs are an integral part of the Patio Burlington Program. If your restaurant or bar is located within a BIA you should speak to your BIA representative for additional information and assistance.

Aldershot Village BIA (ABIA)
https://aldershotbia.com/

Burlington Downtown Business Association (BDBA)
https://burlingtondowntown.ca/

2

HOW TO APPLY

STEP 01

Visit https://www.burlington.ca/en/business-in-burlington/temporary-outdoor-patios.aspx to apply. You must successfully apply by March 31, 2023, to ensure your application is reviewed and approved by the start of patio season. If you apply after that date, the City cannot guarantee a specific installation date or patio location. Late applicants may not be able to participate in the program, depending on the streetscape conditions and existing patio locations in their area. Applications will remain open after March 31st, but curb lane or sidewalk space will not be guaranteed.

02

Once you complete your registration, City staff will review your application and submitted documents for compliance with these guidelines and all applicable bylaws.

03

If your application is acceptable, you will be contacted with more information about the date of installation for your approved patio.

04

Successful applicants will receive a road occupancy permit to participate in the Patio Burlington Program, which will identify the conditions of the approval. Applicants will only be able to use the City space identified in this permit for the period specified and in accordance with the conditions in the approval. If any space on the street is not utilized within 30 days of approval, the City will reclaim the space without delay.

05

At the end of the season, you will be notified about the date of the removal of your temporary patio. All patio items must be removed by the date specified in the notification. All curb lane or sidewalk patios on public property must be removed by November 1st.

If you wish to operate a curb lane or sidewalk patio in 2023 you **MUST** apply to the City of Burlington for approval, even if you previously participated in the Temporary Outdoor Patios Program.

A patio plan is required as part of a patio application. The patio plan is to show the proposed patio location and layout in relationship to the surrounding site conditions and context including street curb, catch basins, sidewalk, parking space locations, pedestrian access (including by-pass), utilities, fencing, street trees, signage, light poles, transit stops. All features to include dimensions including setbacks. The Patio Plan is to comply with the Patio Guidelines and Applicable Laws of the City of Burlington.

There are basic requirements necessary to safely operate a patio on city streets and in the public right-of-way. Please review this document carefully as it is the operator's responsibility to ensure that all requirements are met. City staff will ensure that proposed or expanded patios meet these guidelines and will be visiting establishments to ensure compliance. Patio operators that do not comply with these requirements may be unable to continue participating in the program.

3

FEES

2023 FEES (CAD)

$ TBD

Please note that required fees will be assessed on an annual basis and may be phased in to maintain the operating standards of the program.

4

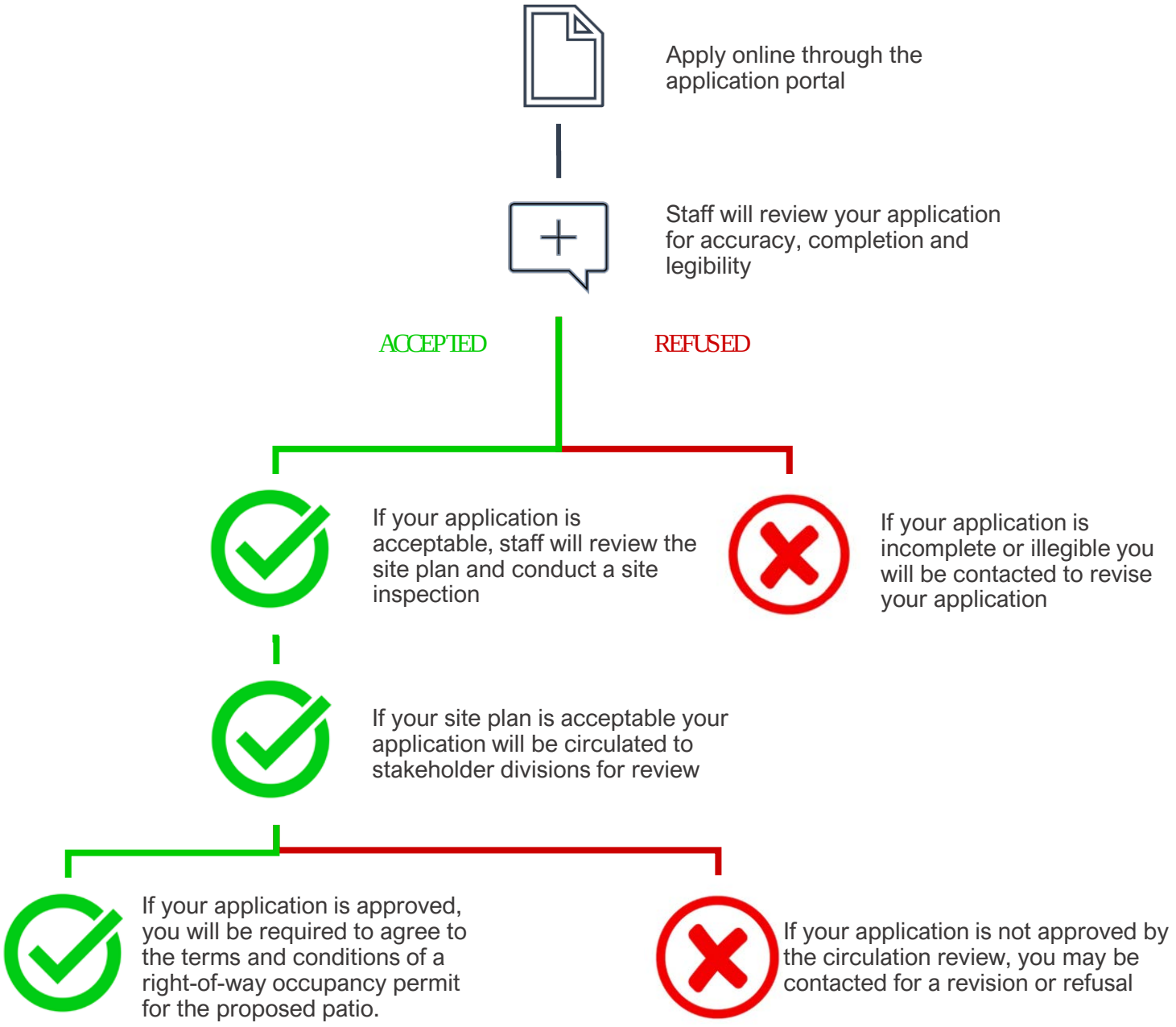
ALCOHOL SERVICE & AGCO REGULATIONS

The Province of Ontario is temporarily allowing current liquor licence holders to serve alcohol outside of their officially licensed area without a temporary extension application to the AGCO. It is the operator's responsibility to ensure compliance with all Alcohol and Gaming Commission of Ontario (AGCO) regulations as well as adhere to any conditions on their liquor sales licence. Restaurant and bar operators wishing to apply for permanent changes to liquor licences will still need to apply for approvals through the AGCO.

AGCO
Alcohol and Gaming Commission of Ontario

5

HOW IS MY APPLICATION PROCESSED?



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GENERAL GUIDELINES ALL PATIOS

The following guidelines apply to all patios on public and private lands in the City of Burlington. This section of the guidelines can also be applied to temporary patios and tents on private lands. See Chapter 7 for further details.

1. It is the operating businesses' responsibility to ensure compliance with all applicable federal, provincial, and municipal laws, rules, orders, regulations, and by-laws in respect of operating an outdoor patio.

2. Patios approved under this program shall be in place no earlier than April 15th. The applicant is responsible for removal of the patio, no later than November 1st. The City reserves the right at its discretion to require the removal of any patio for noncompliance or to address emergency situations.

3. The applicant for a patio must be the owner, or authorized agent, of the business.

4. Applicants must provide proof of commercial general liability insurance ($_ million) coverage endorsed to include The Corporation of the City of Burlington as an additional insured.

5. Patios are permitted where the patio installation is located directly in front of or adjacent to the building of the applicant business. In all cases the business operating the patio must always exercise control over access and use of the space.

6. Patios may only extend on the sidewalk in front of neighbouring businesses if a suitable sidewalk bypass can be provided which is contiguous to the patio at the business' frontage and if the neighbouring business provides written permission.

7. Patios must not impede access to or visibility of adjacent tenant spaces or exits.

8. Patios are to be consistent. The configuration, barricades and furnishings cannot be changed randomly.

9. Patio operators shall mitigate any negative impacts from the patio on abutting or nearby commercial or residential uses; including prioritizing the use of private land or sidewalk space before curb lane parking stalls and ensuring that access and visibility of neighbouring businesses is not obstructed.

10. All areas of the patio shall be wheelchair accessible.

11. Business shall not be conducted within required clearance zones, as set out below.

12. Patios shall not be permitted on sidewalks without sufficient width to accommodate pedestrian clearance zone. This shall be a minimum clear, unobstructed horizontal clearance zone of 1800 mm (1.8 m) minimum and a vertical clearance zone of 2440 mm (2.44 m), ensuring that pedestrians can clearly pass customer line-ups.

13. Patio operators are responsible to maintain the patio and surrounding area and to ensure it is clear of any hazards or debris that may pose a health risk (grease spills, broken glass, bodily fluids, etc).

14. Patios must not obstruct underground utility access, electrical transformer vaults, utility boxes, boulevard or road drainage, fire hydrants, parking meters, bike racks, loading zones, active transit stops and other infrastructure.

15. Patio operators must ensure that they are meeting all noise regulations including those for the amplification of sound as per the City's Noise By-law.

7

PATIOS & TENTS ON PRIVATE PROPERTY

The following guidelines apply to patios and tents on private lands in the City of Burlington. All patios and tents on private property are required to comply with the provisions of Zoning By-law 2020 for outdoor patios.

A. REQUIREMENTS FOR PATIOS AND TEMPORARY TENTS ON PRIVATE LANDS

1. Patios on private lands are for restaurants, bars and cafés only. No other seasonal patio types are permitted on private property.
2. Proposed temporary patios or temporary patio expansions must be located on the same property as your restaurant.
3. The provision of accessible parking and associated walkways shall be maintained at all times.
4. Accessibility must be maintained to and throughout the temporary patio and restaurant.
5. No garbage routes or fire routes can be blocked by any new or expanded patios.
6. No food or drink preparation shall be permitted on temporary patios.
7. Platforms, stages, decks and portable toilets are not permitted.
8. Temporary patios must not extend in front of adjacent tenant spaces, or beyond the business frontage without permission from the affected adjacent property owner and/or tenant.

9. A vertical barrier between 0.9 and 1.2 metres in height shall be installed where a patio is adjacent to vehicle movement areas.

10. Perimeter fencing, planters or barriers are allowed on sidewalk patio areas.

11. Access between the patio and the restaurant shall not be obstructed by vehicular drive aisles.

12. Temporary tents must be properly anchored to the ground per OBC requirements.

13. Business owners are responsible to obtain and ensure compliance with all relevant permissions including those of the AGCO, Ontario Building Code, and their landlord.

14. Fire Department connections (Siamese Connections) and hydrants must be unobstructed.

15. Temporary tents or tents atop an approved patio are permitted subject to the guidance contained in Part B of this chapter (Temporary Tents & Structures on Private Lands)

16. All provincial and public health guidelines, including those related to COVID-19, must be maintained including keeping a minimum of two sides of any temporary tent open at all times.

17. All other municipal and Provincial Regulations will continue to apply including AGCO Regulation 719, as amended.

18. The City of Burlington is authorized to inspect all temporary patios and/or temporary tents and require adjustments to the temporary patio to address compliance with these guidelines and other applicable municipal and Provincial regulations.

B. TEMPORARY TENTS & STRUCTURES ON PRIVATE LANDS

1. A tent, or group of tents, does not require a permit if it is/they are:
    a. not more than 60 square metres in aggregate ground area,
    b. not attached to a building, and
    c. constructed more than 3 metres from other structures.

2. A building permit is required for a tent or group of tents when:
    a. the total area is more than 60 square metres,
    b. it is attached to a building, and/or
    c. it is less than 3 metres from another structure.

3. If your tent requires a building permit, the structural design for tents require an Ontario registered Professional Engineer to seal the documents/drawings and make sure they comply with the Ontario Building Code. These specifications apply to the design of the complete building system, including all structural parts, connections, anchors and fabric cover.

4. As part of the structural design, mechanical, thermal, manual or other means of snow removal are not permitted by the Ontario Building Code.

5. Tents/structures are not permitted in a public right-of-way, such as sidewalks and curb lanes, where visibility is obscured for anyone including drivers, cyclists, pedestrians and others.

6. Tents/structures are not to be drilled or attached to the sidewalk or roadway, to maintain public safety and accessibility.

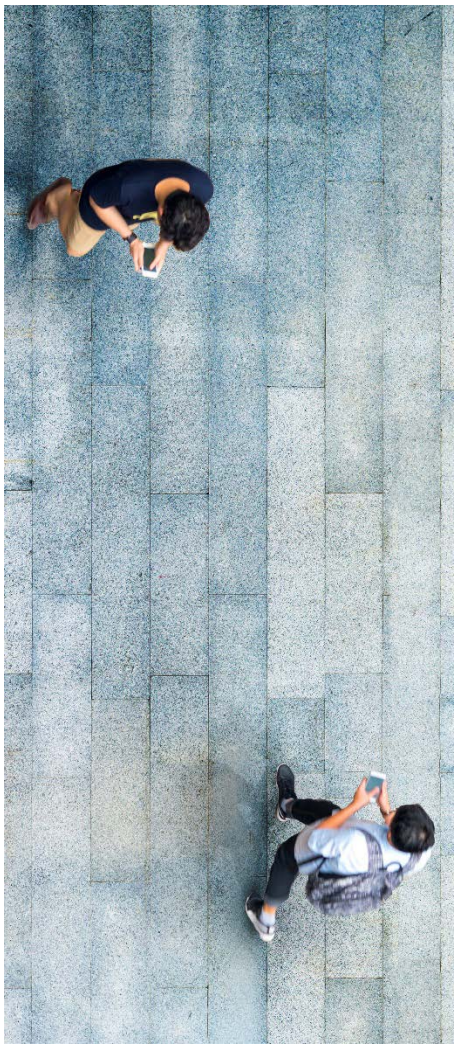
7. A fueled heating appliance shall not be operated in any enclosed or partially enclosed area. As part of the building permit review process, City building staff will consult with a Fire Prevention Officer to make sure it complies with Technical Standards and Safety Authority (TSSA) regulations for the placement of any heating appliances., regulations, and/or laws are met.

8. Be advised that any approved tents/structures are required to comply with all applicable provincial, municipal or other guidelines, regulations, orders, restrictions, public health regulations, and/or any other applicable law that may from time-to-time apply to such tents/structures including COVID-19 regulations and orders. It is your responsibility as the operator to make sure these guidelines, regulations, and/or laws are met.

9. It is your responsibility as the restaurant owner/operator to make sure all tents, of any size, are capable of withstanding wind, rain and snow loads during the relevant seasons. You as the restaurant owner/operator are advised to immediately and continuously remove snow, water, leaves, etc. from the top, sides and around the tent during weather events.

8

CURB LANE PATIOS



Curb lane patios are outdoor dining areas located in a parking stall or through lane directly adjacent to a curb and may include a pedestrian by-pass system located on the street of the public right-of-way. Public safety is the priority and City staff conduct a detailed review of each application and may install traffic safety materials to close a lane and to provide space for restaurants and bars to install or expand patios on public lands.

The curbside is the main access point between the street and the sidewalk and may have several competing uses which include parking, loading, and unloading of goods and people, cycling facilities and more. It is important that restaurant and bar operators that are provided with space to operate patios in a curb lane are using it to its maximum community and operator benefit.

Every effort is made to investigate the potential for a curb lane closure, but they are not guaranteed. A curb lane patio will require the Business Owner to obtain a right-of-way occupancy permit from the City.

When conducting site reviews, staff investigate the streetscape of the area around your restaurant and may consider road width, traffic speeds and volumes, non-standard road geometry, on-street parking, and/or other potential traffic safety concerns. Curb lane patios are not possible in locations where, in the opinion of the Director of Transportation Services, or delegated staff, a curb lane patio cannot be safely installed.

Curb lane patios or pedestrian by-passes are not possible within the following areas:

- Commercial loading zones;
- Accessible boarding zones;
- Locations with transit stops;
- Designated Accessible Parking locations;
- Areas that would conflict with an active construction zone; or
- Roads with a posted speed of greater than 50 km/h.

A. GENERAL GUIDELINES

1. A patio plan will be required to show the patio location, complete dimensions including fencing location, and general notations to ensure the curb lane patio is functional and addresses the applicable performance standards and legislative requirements to the satisfaction of the City. Upon review, the approved plan shall be appended to your permit as a Schedule.
2. Curb lane patios are permitted throughout the City of Burlington in conjunction with a permitted restaurant use but are not permitted on arterial roads.
3. Curb lane patios are only permitted on roads (roadway) with two vehicle travel lanes (one lane in each direction), not including lanes dedicated to curb lane parking. Restaurant or bar operators who currently occupy a building shall have priority to the available curb lane space adjacent to its own frontage.
4. The City will determine the appropriate safety and other traffic measures required.
5. Setup or takedown of any structure or materials on a street or parking stalls can only be completed by City staff trained and qualified in the Ontario Traffic Manual Book 7 and only at the time specified in the approval.
6. Applicants for curb lane patios are not permitted to install their patio until the installation of appropriate roadside safety barriers have been completed.
7. Applicants for curb lane patios are not permitted to install their patio until the City has completed the installation of appropriate pedestrian safety/traffic control measures.
8. Any traffic control measures placed by the City shall not be moved or altered by the patio operator.
9. Signage is required to identify the entrances and exits of temporary outdoor patio locations and to provide guidance to pedestrians.
10. Patios shall be located a minimum of 1000 mm (1.0 m) away from parking spaces, driveways and/or travel lanes. When adjacent to parking stalls, curb lane patios must have concrete parking curbs placed to protect the patio from vehicle maneuvers to and from the adjacent parking stall(s).
11. Signage is required to identify the entrances and exits of temporary outdoor patio locations and to provide guidance to pedestrians.

B. PEDESTRIAN BY-PASS

A pedestrian by-pass is an effective way of expanding patio space, while providing a safe pedestrian clear path. and is subject to the following guidelines:

1. Pedestrian access along a by-pass must be at least 1800 mm (1.8 m) in width, provide 2440 mm (2.44 m) height clearance, and avoid blocking or obstructing access to utilities, storm water drainage, infrastructure, signage and other traffic control devices.
2. A 600 mm (0.6 m) buffer is required between the pedestrian by-pass and an adjacent vehicular travel lane.
3. A pedestrian by-pass is required to have a guard railing between 914 mm (36”) to 1067 mm (42”) in height.
4. A pedestrian by-pass shall be a raised platform deck.
5. A pedestrian by-pass must be firm, stable and slip resistant and meet all applicable legislation, standards and guidelines, as well as the Ontario Highway Bridge Design Code.
6. Pedestrian by-pass signage is required.
7. Any pedestrian by-pass is required to be installed by a contractor licensed to work within the road corridor.
8. The barrier-free route should maintain a straight path of travel with turns as equal to 90 degrees as possible.
9. Fencing and other barricades shall incorporate pronounced colour contrast to the surrounding areas.

9

SIDEWALK PATIOS

Sidewalk patios are outdoor eating areas located on sidewalks located in part or entirely on a public road allowance where food or drinks is served to the public by a licensed eating or drinking establishment and includes the clear path zone for pedestrian access to the patio.

Sidewalk patios in the City of Burlington are subject to the following requirements:

A. GENERAL GUIDELINES

1. All sidewalk patios which make use of publicly owned land will be required to show the patio location, general dimensions, fencing location, and general notations to ensure the sidewalk patio is functional and addresses the applicable performance standards and law to the satisfaction of the City. Upon review, the approved plan shall be appended to the approved permit as a Schedule.

2. Should a patio operator require a pedestrian by-pass or patio seating in parking spaces adjacent to a Sidewalk patio, or any other roadway use, then the entire patio shall be considered a curb lane patio and not a sidewalk patio.

3. Sidewalk patio operators are responsible to clean and maintain public space that is inaccessible to the City's street/sidewalk sweepers due to the placement of patio road closure barriers or fencing.

4. The City reserves the right to remove or require the patio operator to remove the patio (or part of it) immediately and will not be liable for any costs associated with the removal and/or re-installation:

    a. For non-compliance, to address emergency situations, public safety or for other reasons deemed necessary by the City

    b. If the patio is deemed to not be utilized for the intended purposes as agreed upon with the City.

5. A minimum clear path horizontal clearance zone of 1800 mm (1.8 m) and vertical clearance zone of 2440 mm (2.44 m) is required for unobstructed pedestrian mobility.

6. Fencing and/or a delineation around licensed patios areas is encouraged as per AGCO requirements.

7. Umbrellas or any other furniture related to the patio shall be located within patio area and are not to extend into the sidewalk clear path zone.

8. Signage is to be located to avoid conflict within the pedestrian clear path zones.

9. Sidewalk patios are to provide a minimum 600 mm (0.6 m) buffer from the travelled portion of the road.

10. Sidewalk patios must be at least 15 metres from the corner of an intersection (stop sign or nearest edge of closest sidewalk on an intersecting street subject).

11. Sidewalk patios must be at least 3 metres from a driveway. This distance may vary on a site-by-site basis taking into consideration sight lines, road geometry, proximity to transit stops and related amenities, and other considerations to the satisfaction of the City of Burlington.
12. Sidewalk patios must be at least 5 metres from a fire hydrant or to the middle of fire department connections.
13. If a sidewalk patio occupies the first parking space within a row of parking, flexible bollards (spaced 2 metres apart) must redirect approaching traffic around the patio for a minimum approach distance of 15 metres.

B. REQUIREMENTS

Detailed, scaled plans and specifications must be submitted to determine if the proposed curb lane or sidewalk patio complies with the requirements set out in these guidelines:

1. All patios which make use of publicly owned land (boulevards, sidewalks, parking spaces) require an approved permit between the patio operator, the patio operator's landlord (if applicable) and the City.
2. Patio operators are responsible to clean and maintain public space that is inaccessible to the City's street/sidewalk sweepers due to the placement of patio road closure barriers or fencing.
3. The City reserves the right to remove or require the patio operator to remove the patio (or part of it) immediately and will not be liable for any costs associated with the removal and/or re-installation:
    a. For non-compliance, to address emergency situations or for other City priorities.
    b. If the patio is deemed to not be utilized for the intended purposes as agreed upon with the City.

10

ACCESSIBILITY

A. TEMPORARY RAMPS

Temporary Ramps are fabricated ramps that provide a sloped entrance from the sidewalk into the curb lane patio area. A pedestrian by-pass is the preferred method of access. However, if you do not install a pedestrian by-pass, a ramp is the alternative method for providing accessible entrance into your patio and MUST be provided.

A temporary ramp is required to be in place when your patio is open and operational. It should not be deployed “as needed”. Ramps are to be used where a sidewalk and patio are separated vertically by a curb. For a curb that is under 200 mm in height, the following requirements must be met:

10. ACCESSIBILITY

1. The maximum slope of any ramp is 1:15 or 6.7%.
2. The ramp must have a minimum width of 1500 mm (1.5 m) exclusive of flared sides.
3. The ramps must be slip-resistant and be visible at night.
4. Ramps shall have a 40 - 60 mm wide colour/tonal contrasted strip across the width of the ramp, located on the sloped surface at all slope transitions. The ramp texture must be contrasted with the adjacent surfaces.
5. There must be a landing at the bottom of the ramp for someone using a mobility device to turn and navigate into the patio area.
6. The ramp must provide a flush transition (i.e., height difference of less than 6 mm from the ramp and adjacent surfaces.
7. If a ramp over 200 mm (20 cm) in height is required, the patio operator should contact patios@burlington.ca as a building permit may be required.
8. A temporary ramp is not to be affixed to the sidewalk, curb edge or road with screws, bolts or any other materials.

B. PEDESTRIAN CLEAR PATHS

Ensuring accessibility for all patio users includes meeting requirements from the Accessibility for Ontarians with Disabilities Act (AODA), City of Burlington accessibility requirements and accessibility criteria specific to the Patio Burlington program.

The pedestrian clear path is a continuous straight path of travel, clear of all obstructions and provides for the safe, accessible, and efficient movement of pedestrians. The sidewalk is how people and customers of all ages and abilities access local shops, restaurants, offices, transit stops and other services, and pedestrians have priority for its use. It is everyone's responsibility to protect the pedestrian clear path. The pedestrian clear path requires 1800 mm (1.8 m) of horizontal clear space and 2440 mm (2.44 m) of vertical clear space on sidewalks.

1. Do not place patio materials in the pedestrian clear path. Ensure your patio is partitioned off by a cane-detectable barricade – (fencing, railings, planters, pylons, etc.) to provide people with vision loss the ability to identify boundaries.
2. All cane-detectable warnings should be no more than 680 mm from the ground surface
3. Rope to post or chain to post barricades are not cane detectable.
4. Do not use the pedestrian clear path to queue patrons awaiting their reservation or table.
5. Do not place A-frame signs or other obstacles in the pedestrian clear path.
6. Do not lay electrical wires for any appliances (e.g., heaters, lights) across the pedestrian clear path.

If you place obstructions in the pedestrian clear path, a City of Burlington enforcement officer will require you to remove these materials upon inspection. Patio operators that are the subject of repeated complaints may have their patio permissions removed.

C. PATIO FURNITURE AND FACILITIES

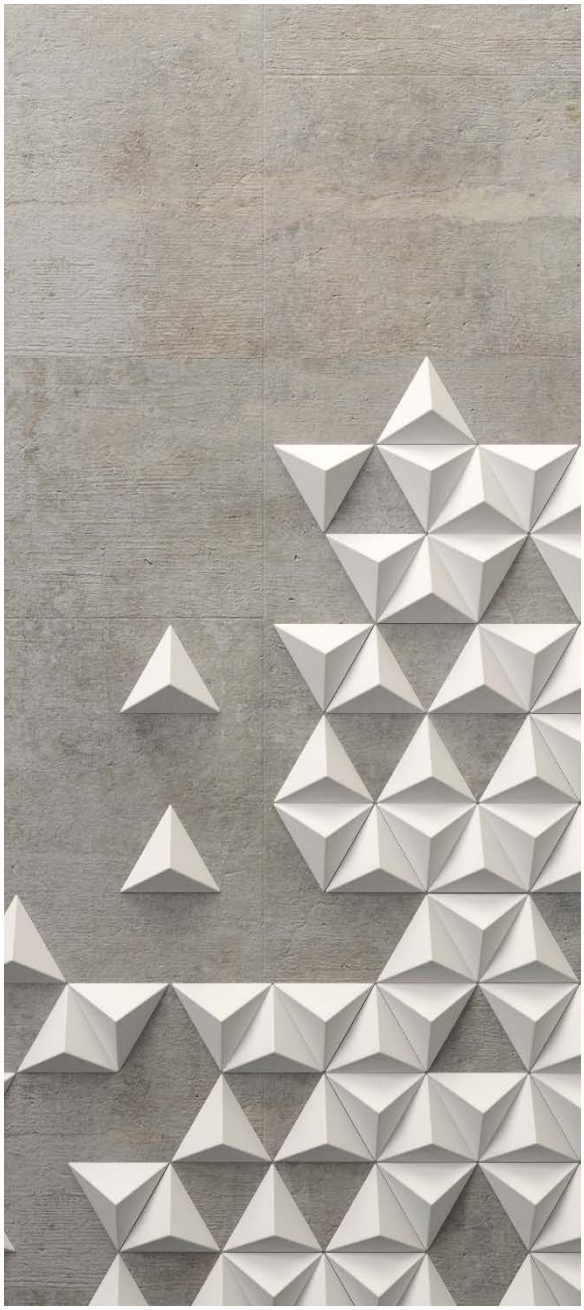
Patio operators can make several choices that will increase accessibility for all users of patios in Burlington.

Please consider the following when making decisions about your patio elements:

1. Consider people using mobility devices when determining what type of furniture you will set out in your patio area. For example, picnic tables significantly limit the ability of a person using a mobility device to access a dining surface.
2. Twenty per-cent of the patio tables, but never less than one table, shall be accessible, which means the seating is removable and must offer wheelchair accessible seating with a route to the seating that is a minimum of 1100 mm wide.
3. Pedestal tables and bar height tables are not accessible.
4. When determining seating arrangements in your patio area, install some tables with room underneath to accommodate people using mobility devices.
5. Ensure that there are clear routes and maneuvering spaces for people using mobility devices in your patio.
6. Advertise whether you have accessible washrooms on your website.

11

DESIGN



A. FENCING

Patio operators are encouraged to install temporary fencing, planter boxes or other items that provide a barrier between the patio area and the travelling public. It is not safe to enter a live lane of traffic to install fencing, planter boxes or other delineation items. Ensure you remain within the boundaries of your closure area during installation.

To ensure safety and accessibility for your patrons, pedestrians and other road others, these guidelines must be followed:

1. A vertical barrier between 900 mm (0.9 m) and 1200 mm (1.2 m) in height must be always in place along the curb lane closure area. Opaque items (including dense plant material) must not be greater than 1000 mm (1.0 m) in height, measured from the surface of the street to preserve sight lines. This barrier must be secure and stable such that they cannot be knocked/blown over, stolen or moved unintentionally.
2. If any part of your fencing is near the pedestrian clear path, the fencing must have a solid, cane-detectable base, spaced no more than 300 mm (0.3 m) apart, except for the accessible entrance which must be at least 1000 mm (1.0 m) wide. Fencing near a sidewalk shall be colour contrasted to the sidewalk to make it easily identifiable to pedestrians.
3. Any fencing installed must be free-standing and self-supporting with appropriate weights. Any items, including their supports, must not project into the path of travel of cyclists, pedestrians, or motor vehicles.
4. Fencing/planter boxes/vertical barrier items must be no less than 600 mm (0.6 m) from the travelled path of vehicular traffic to provide space for cyclists and prevent contact with moving vehicles.
5. Fabric, canvas, plywood, plexiglass or similar materials are not to be used for the vertical barrier.
6. Temporary fencing, planter boxes and other vertical barrier materials must have retro- reflective tape, reflective flexi-posts or hazard marker signs at each end of the patio area, and preferably along the full length of the closure area. All other materials must minimize glare for nighttime road users. Reflective items are widely available for purchase at hardware stores.

B. LIGHTING

Installing lighting elements can be an important benefit to your café area in the evening. Please ensure your lighting elements comply with the following guidelines:

1. Lighting features must be temporary and comply with all applicable safety standards and codes.
2. Ensure no power cables or lighting elements run over the pedestrian clear path. Consider battery or solar powered lights.
3. Lights must not cast glare for pedestrians, passing road users or nearby properties.
4. Lights cannot be attached to poles, posts, or other street furnishings.
5. Permission has been granted for your power source if it is not your own. Patio operators are not to connect to outlets available within the public right-of-way.

C. UMBRELLAS AND CANOPIES

Umbrellas and canopies are a source of shade for café patrons and employees and must be installed correctly to ensure the safety of customers and passers-by.

1. Canopies are temporary and removable with no walls or sides.
2. Umbrellas, if used, must stand at least 2100 mm (2.1 m) above the walking surface. Umbrellas must also be of flame retardant material and approved by the Chief Fire Official.
3. Canopies must be 3 m x 3 m or smaller.
4. All umbrella parts in a curb lane patio must be set back at least 800 mm (0.8 m) from either edge of the closure area.
5. Umbrellas and canopies must not protrude into the roadway or pedestrian clear path, as they may interfere with cyclists or vehicles passing near your patio.
6. Canopies are temporary and removable with no walls or sides.
7. Umbrellas, if used, must stand at least 2100 mm (2.1 m) above the walking surface. Umbrellas must also be of flame retardant material and approved by the Chief Fire Official.

12

SAFETY

A. EMERGENCY ACCESS

If the street lane closure of your patio is longer than 15 metres, a review will be conducted by Burlington Fire Services to determine whether any emergency access points must be installed as part of your fencing or lateral barrier. Should this be required, you will be notified in writing by City Staff.

An emergency access point is a space with an easily identifiable and removable piece of fencing, at least 1 metre wide, which would allow emergency services the ability to gain quick access to the sidewalk from the road. An example of an emergency access point could be removable wooden boards, suspended by brackets.

B. FIRE SAFETY AND HEATER REQUIREMENTS

1. Your portable heating appliance must:
    a. Be certified by CSA/ULC
    b. Meet the requirements of TSSA Act 2000
    c. Be designed for outdoor use only
    d. Have an anti-tilt feature that automatically shuts off the heater
    e. Be free-standing, with a minimum height of 1600 mm (1.6 m)
    f. Tabletop heating appliances are not permitted
2. **DO** install your portable heating appliance:
    a. On a non-combustible solid surface (e.g., not on grass or uneven sidewalk)
    b. With a minimum of 1000 mm (1.0 m) clearance from the base of the unit to any combustible material
3. **DO NOT** install your portable heating appliance:
    a. In windy conditions. Wind negatively impacts efficiency and can create a hazard if the unit is blown over
    b. Under fire escapes
    c. Within a means of egress or adjacent to a sidewalk
    d. Near a combustible structure
    e. Adjacent to or otherwise obstructing firefighting equipment like fire hydrants or connections
    f. Within the Tree Protection Zone of any trees. For more information or to request an exception, please contact Forestry staff.
    g. Near or attached to any utilities or other street elements free-standing, with a minimum height of 1600 mm (1.6 m).
    h. If electrical wires need to be placed on the pedestrian clear path

4. Fueled Heating Appliances

   a. Do not store the unit indoors

   b. Keep a maximum of one (1) day's supply of propane on site

   c. Storage of additional cylinders (including cylinders in cages) is not permitted in public thoroughfares or sidewalks)

   d. The maximum allowable propane tank size is a single 9 kg (20 lb.) tank (approximately 10 hours of operation)

   e. Do not move portable heaters while the fame is still open. Ensure the gas supply is properly shut off and the unit is cool before relocating

   f. Follow all manufacturer safety requirements for the safe transportation, operation and storage of fuel.

The Technical Standards & Safety Authority (TSSA) has released Patio Heater Safety Guidelines and propane cylinder safety information. More information is available online.

13

COMPLETE APPLICATION CHECKLIST

A. SITE PLAN OF PROPOSED TEMPORARY OUTDOOR PATIO

Please submit drawings that show:

- ☐ Location and dimensions of the proposed temporary patio;
- ☐ Total area of the proposed patio in square metres;
- ☐ Seating diagram to meet provincial seating restrictions (1.11 square metres per person);
- ☐ Proposed barriers and fencing with a minimum height of 910 mm (0.9 m) and their placements to mitigate public safety and traffic-related concerns;
- ☐ Location and dimensions of the building, including entrances/exits and washrooms;
- ☐ Location of adjacent businesses' or buildings' entrances/exits;
- ☐ Location and dimensions of any enclosures, umbrellas, tents, awnings, etc.
- ☐ Location of fire extinguishers;
- ☐ Location of street poles, fire hydrants and catch basins close to the patio
- ☐ Location of transit stops close to the patio (if any)
- ☐ Location of curb cuts close to the patio; and
- ☐ The maximum occupant load of your business and patio, pursuant to the Ontario Building Code.

B. INSURANCE – TO BE DETERMINED

You must hold and provide General Liability Insurance from an insurer licensed in the province of Ontario for $_ million per occurrence to the Corporation of the City of Burlington against any liability for property damage or personal injury, negligence including death which may arise from the applicant's operations under this agreement. The Corporation of the City of Burlington must be included as an "Additional Named Insured". In addition, the Commercial General Liability shall contain Cross Liability and Severability Clauses and Products & Completed Operations coverage including a standard contractual liability endorsement

APPENDIX

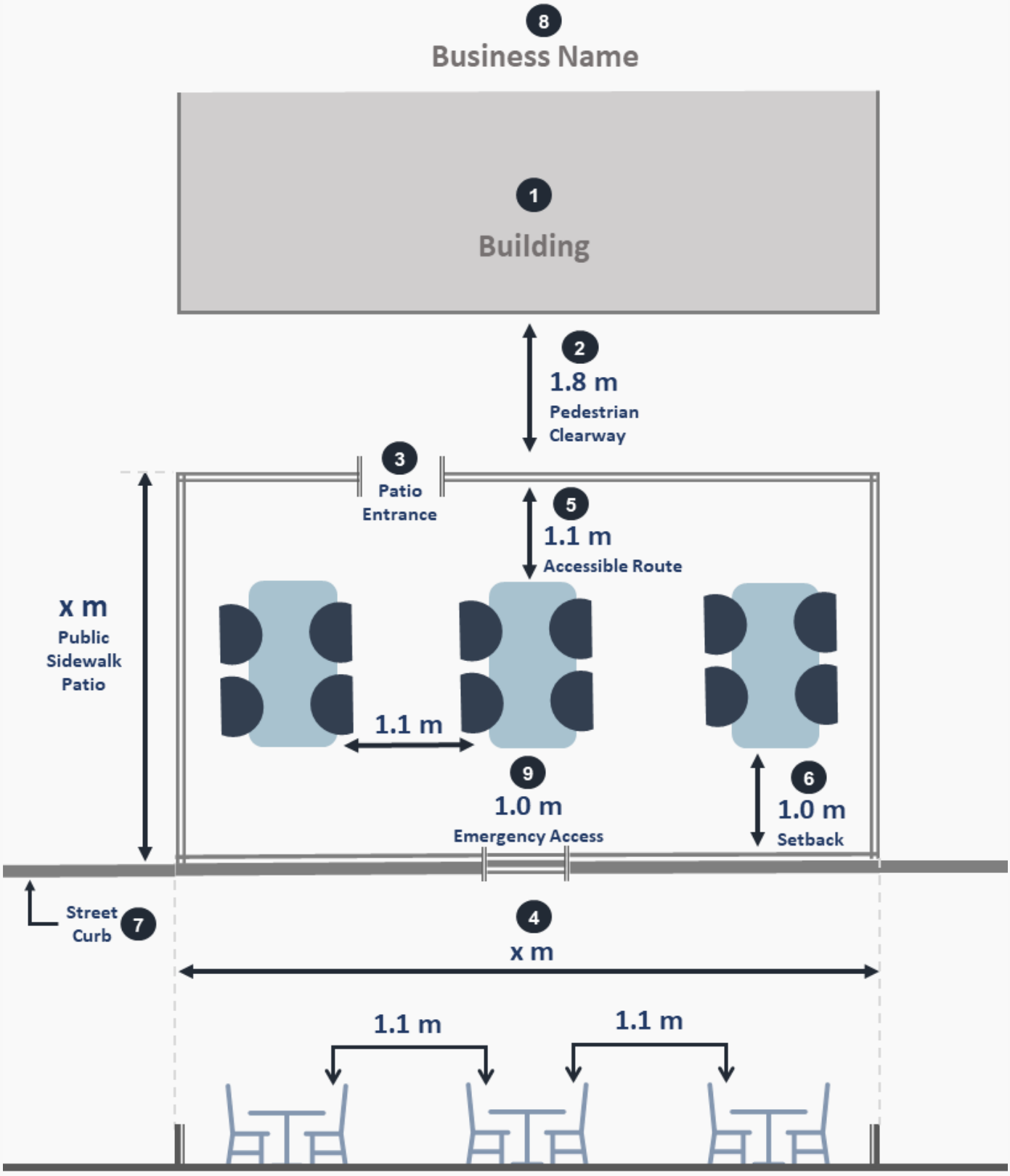
A

SIDEWALK PATIO DRAWING CHECKLIST

This is a sample drawing of a sidewalk patio on public property.

CHECKLIST ITEMS

- ☐ 1 Building identified (partial is fine)
- ☐ 2 Location of Pedestrian Clear Path
- ☐ 3 Patio Entrance
- ☐ 4 Patio Width
- ☐ 5 Accessible routes within patio
- ☐ 6 Setback from curb
- ☐ 7 Street curb
- ☐ 8 Business name



Note: Drawing is for demonstration purposes only. Drawing is not to scale.

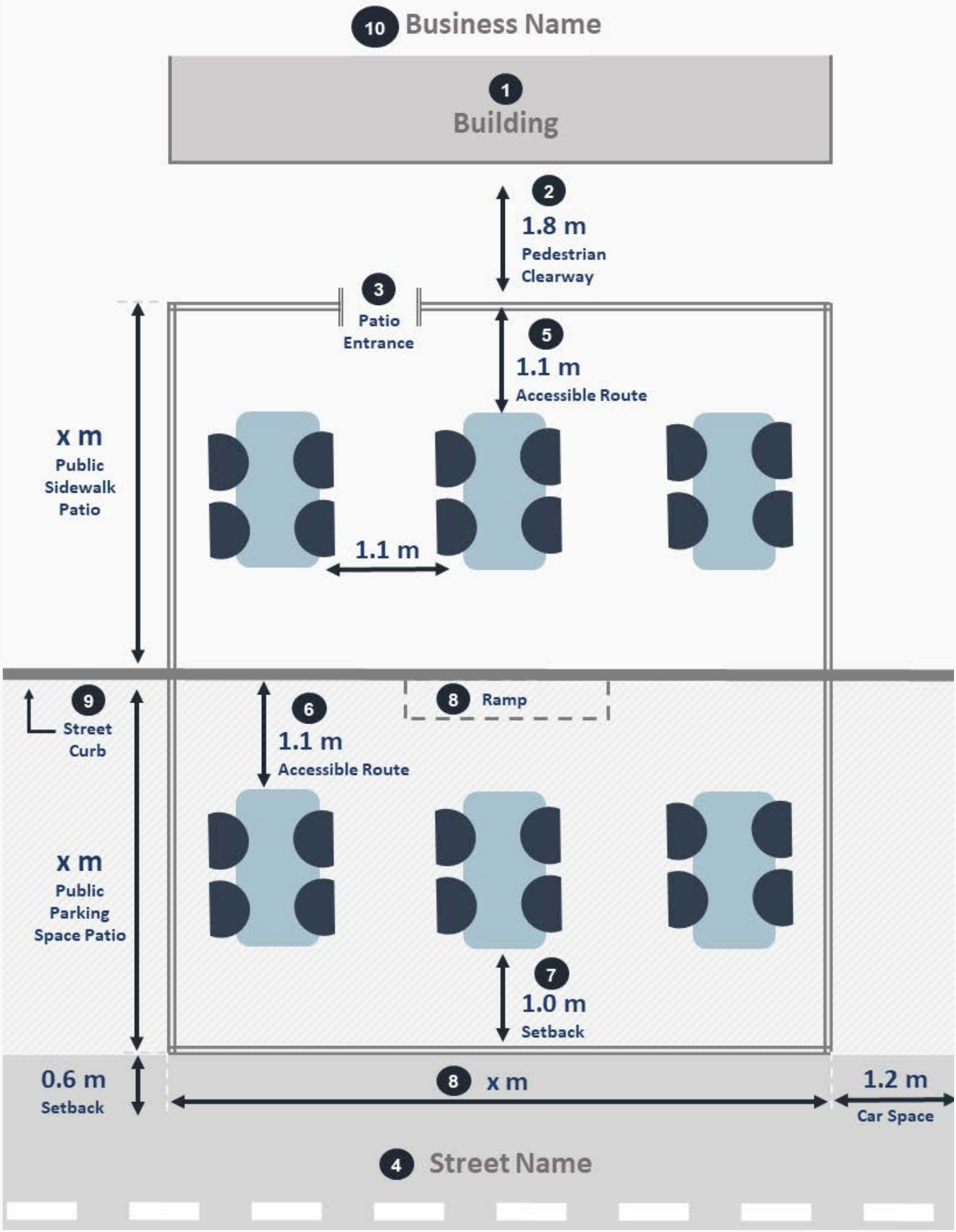
B

CURB LANE PATIO DRAWING CHECKLIST

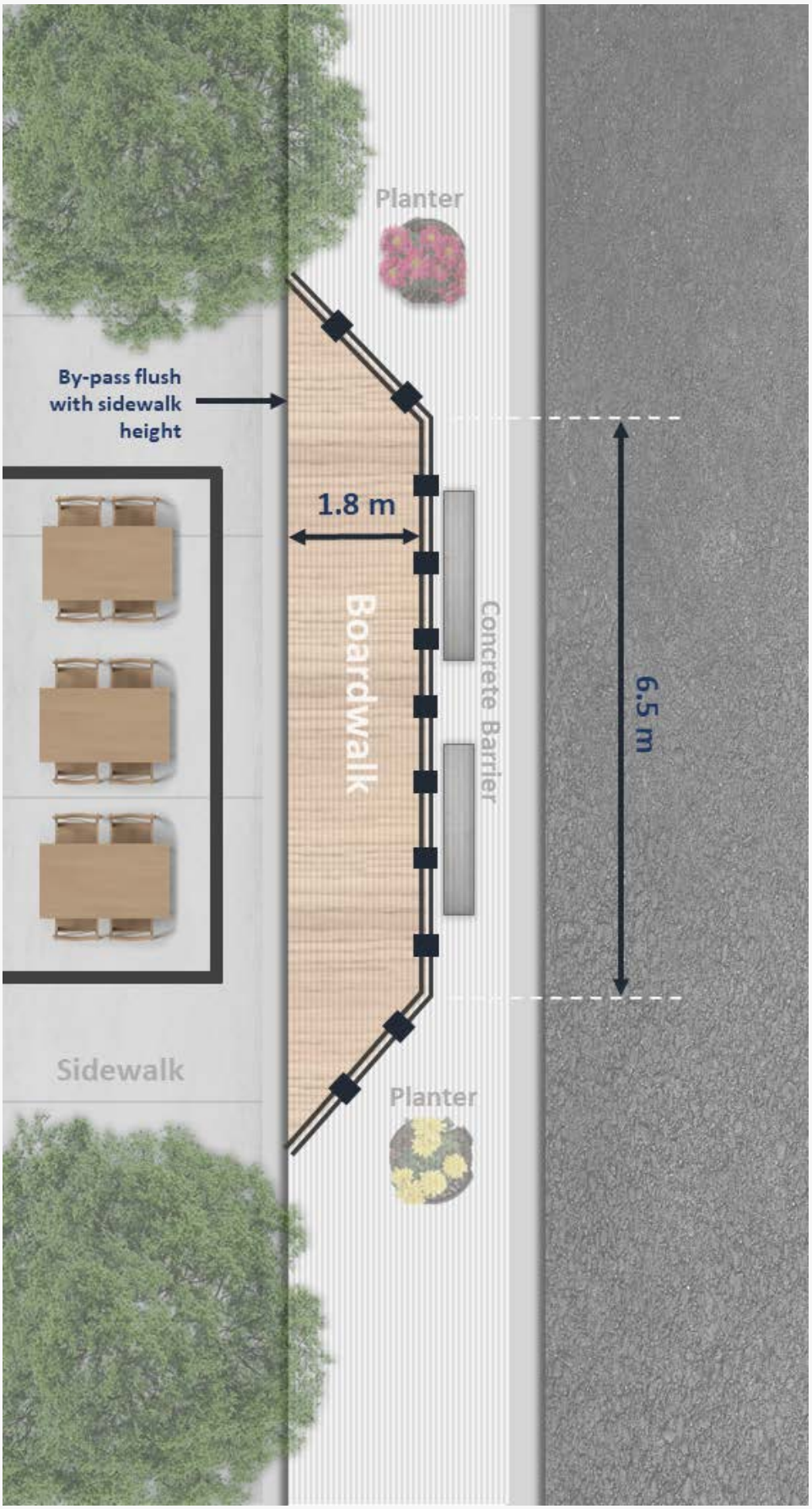
This is a sample drawing of a sidewalk patio on public property.

CHECKLIST ITEMS

- [ ] 1 Building identified (partial is fine)
- [ ] 2 Location of Pedestrian Clear Path
- [ ] 3 Location of Patio Entrance
- [ ] 4 Street Name
- [ ] 5 Accessible routes within patio
- [ ] 6 Accessible routes within patio
- [ ] 7 Location of curbs
- [ ] 8 Location of accessible ramp
- [ ] 9 Business name



Note: Drawing is for demonstration purposes only. Drawing is not to scale.


Planter
By-pass flush with sidewalk height
1.8 m
Boardwalk
Concrete Barrier
6.5 m
Sidewalk
Planter

CONTACT US

COMMUNITY PLANNING DEPARTMENT

T: (905) 335-7600 ext. 7410

E: patios@burlington.ca

Project Report

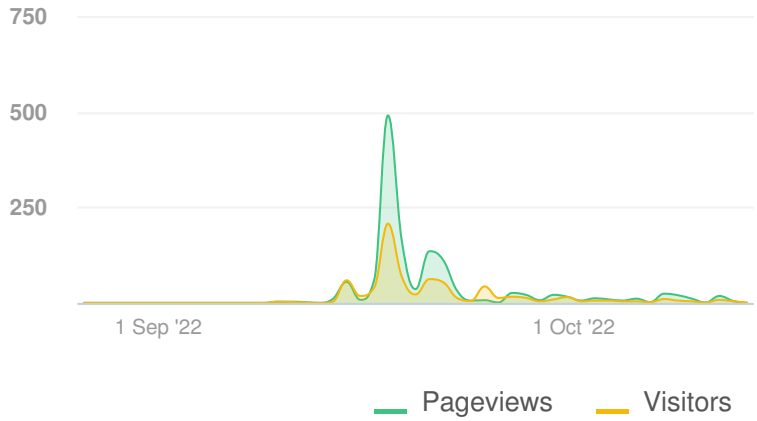
01 August 2022 - 12 October 2022

Get Involved Burlington

City Wide Patio Program

BANG THE TABLE engagementHQ

Visitors Summary



Highlights

TOTAL VISITS	MAX VISITORS PER DAY	NEW REGISTRATIONS
779	207	3

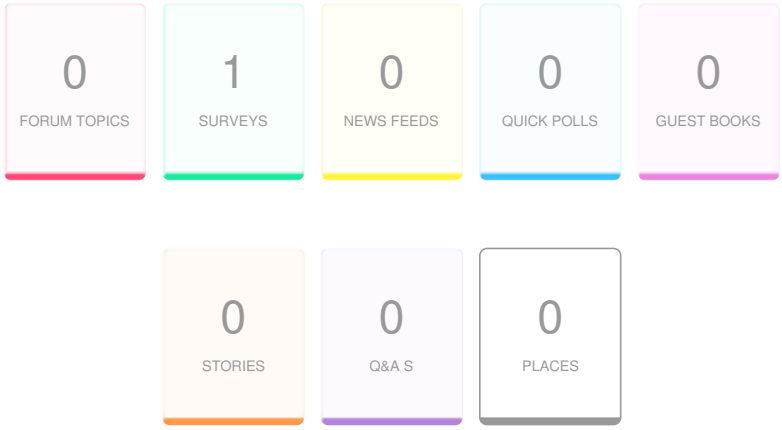
ENGAGED VISITORS	INFORMED VISITORS	AWARE VISITORS
481	536	697

Aware Participants	697
Aware Actions Performed	Participants
Visited a Project or Tool Page	697

Informed Participants	536
Informed Actions Performed	Participants
Viewed a video	0
Viewed a photo	0
Downloaded a document	0
Visited the Key Dates page	0
Visited an FAQ list Page	0
Visited Instagram Page	0
Visited Multiple Project Pages	43
Contributed to a tool (engaged)	481

Engaged Participants	481		
Engaged Actions Performed	Registered	Unverified	Anonymous
Contributed on Forums	0	0	0
Participated in Surveys	11	0	470
Contributed to Newsfeeds	0	0	0
Participated in Quick Polls	0	0	0
Posted on Guestbooks	0	0	0
Contributed to Stories	0	0	0
Asked Questions	0	0	0
Placed Pins on Places	0	0	0
Contributed to Ideas	0	0	0

ENGAGEMENT TOOLS SUMMARY



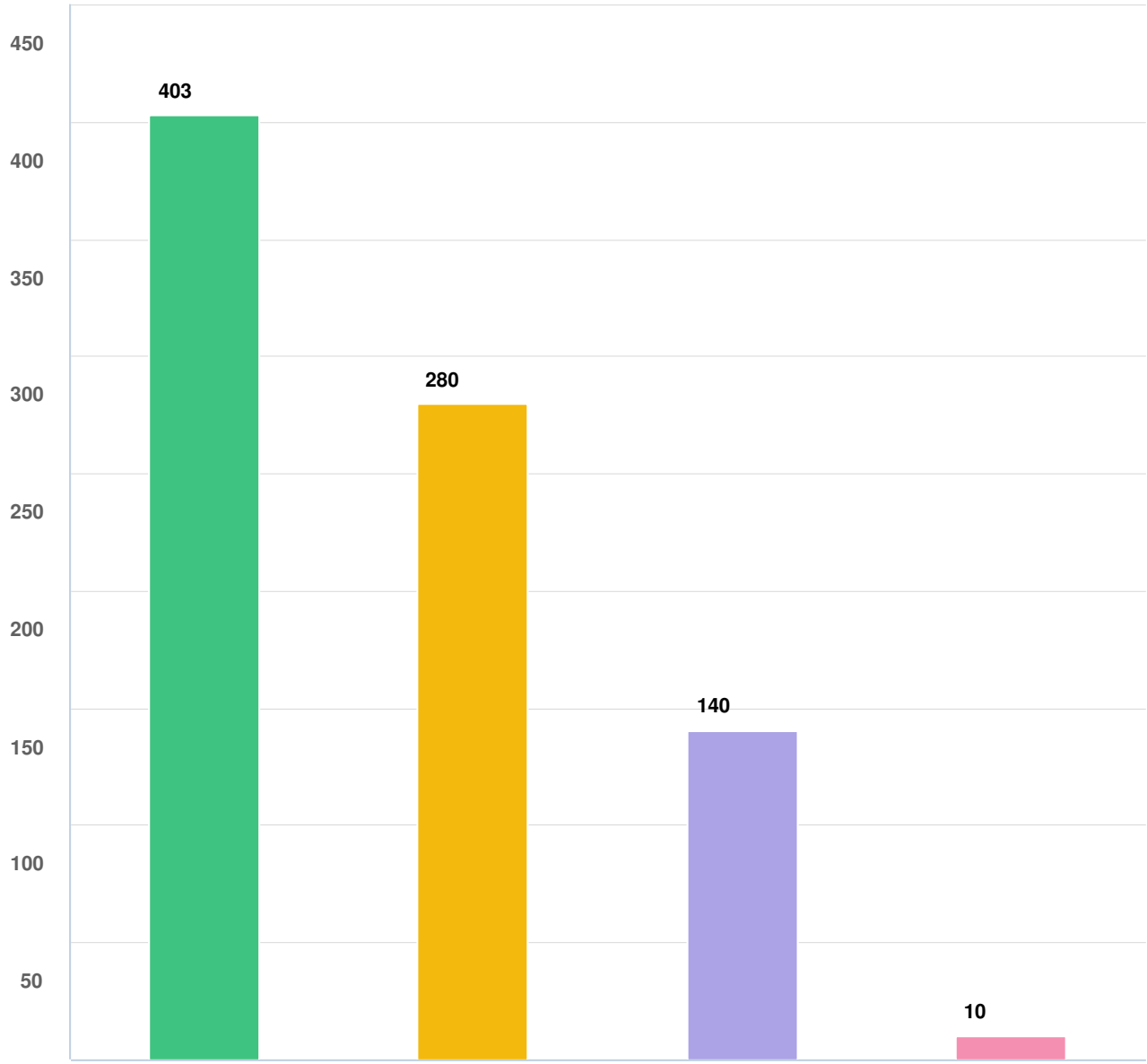
Tool Type	Engagement Tool Name	Tool Status	Visitors	Contributors		
				Registered	Unverified	Anonymous
Qanda	Do you have a question about a city wide outdoor patio pr...	Draft	0	0	0	0
Survey Tool	Patio Survey General Public	Published	589	11	0	470

ENGAGEMENT TOOL: SURVEY TOOL

Patio Survey General Public

Visitors 589	Contributors 481	CONTRIBUTIONS 484

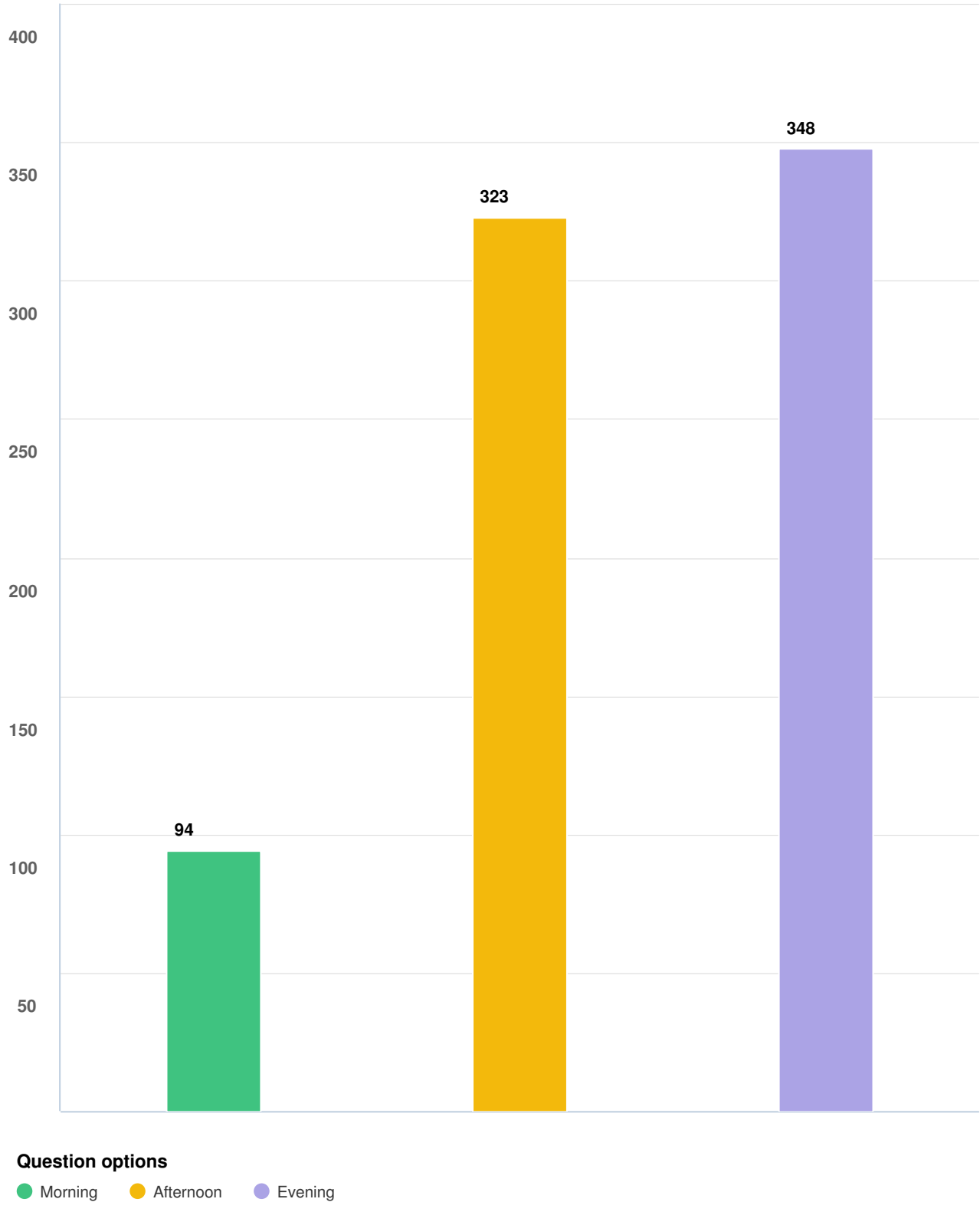
Describe your experience with restaurant patios in the City of Burlington during the past three years: Choose all that apply



Optional question (483 response(s), 1 skipped)

Question type: Checkbox Question

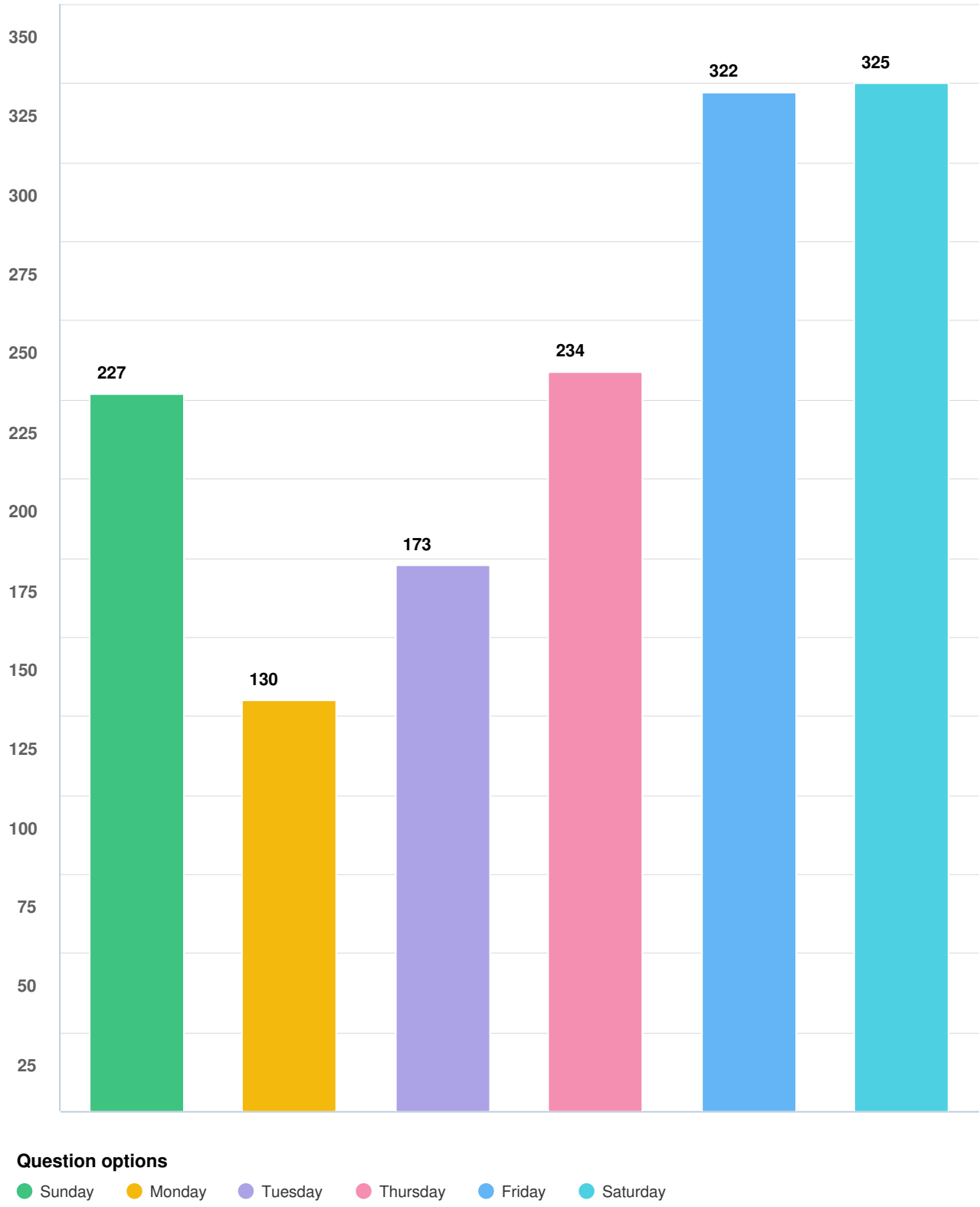
What time of day did you visit a restaurant patio? Choose all that apply.



Optional question (403 response(s), 81 skipped)

Question type: Checkbox Question

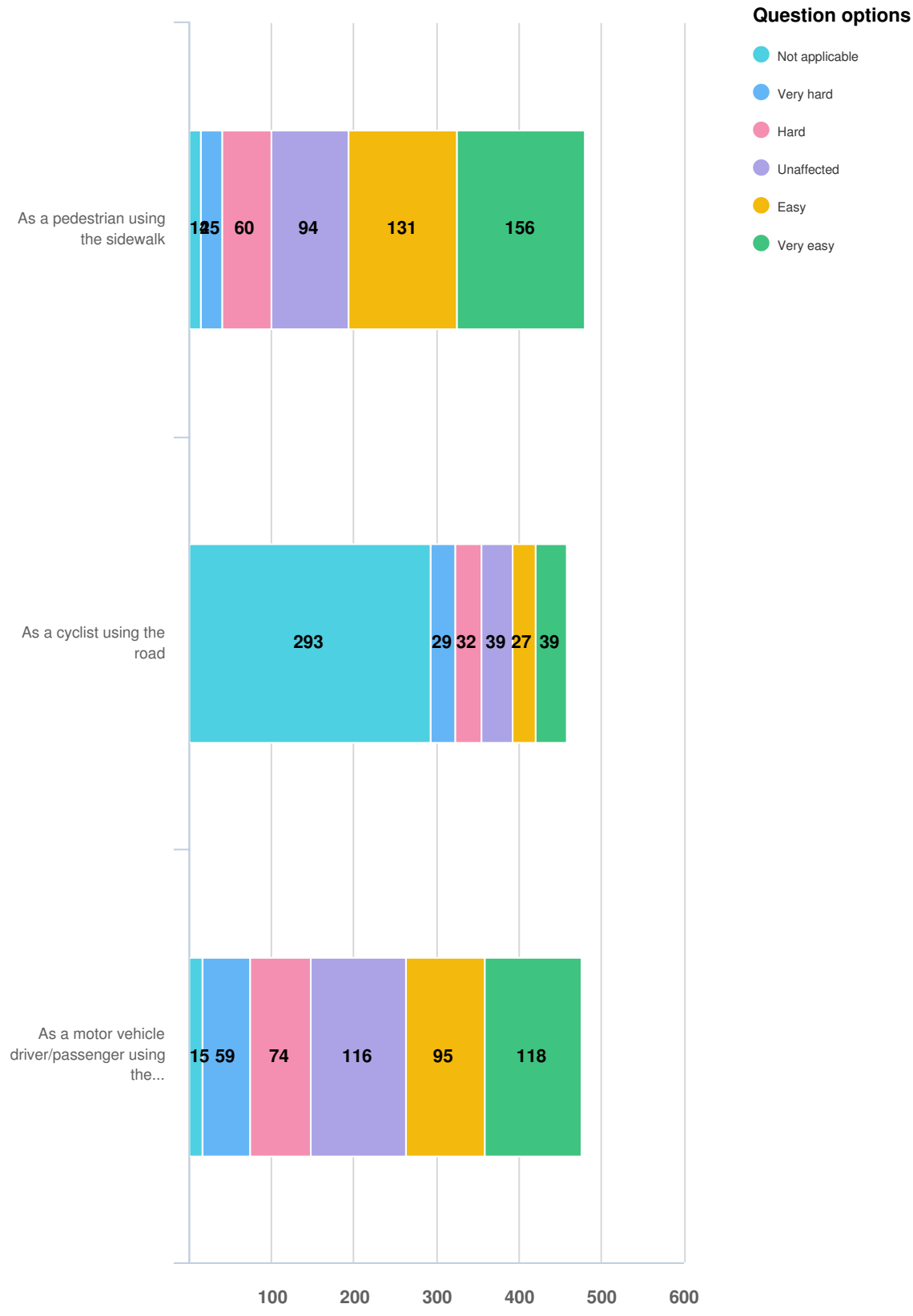
What day(s) did you visit a restaurant patio? Choose all that apply.



Optional question (400 response(s), 84 skipped)

Question type: Checkbox Question

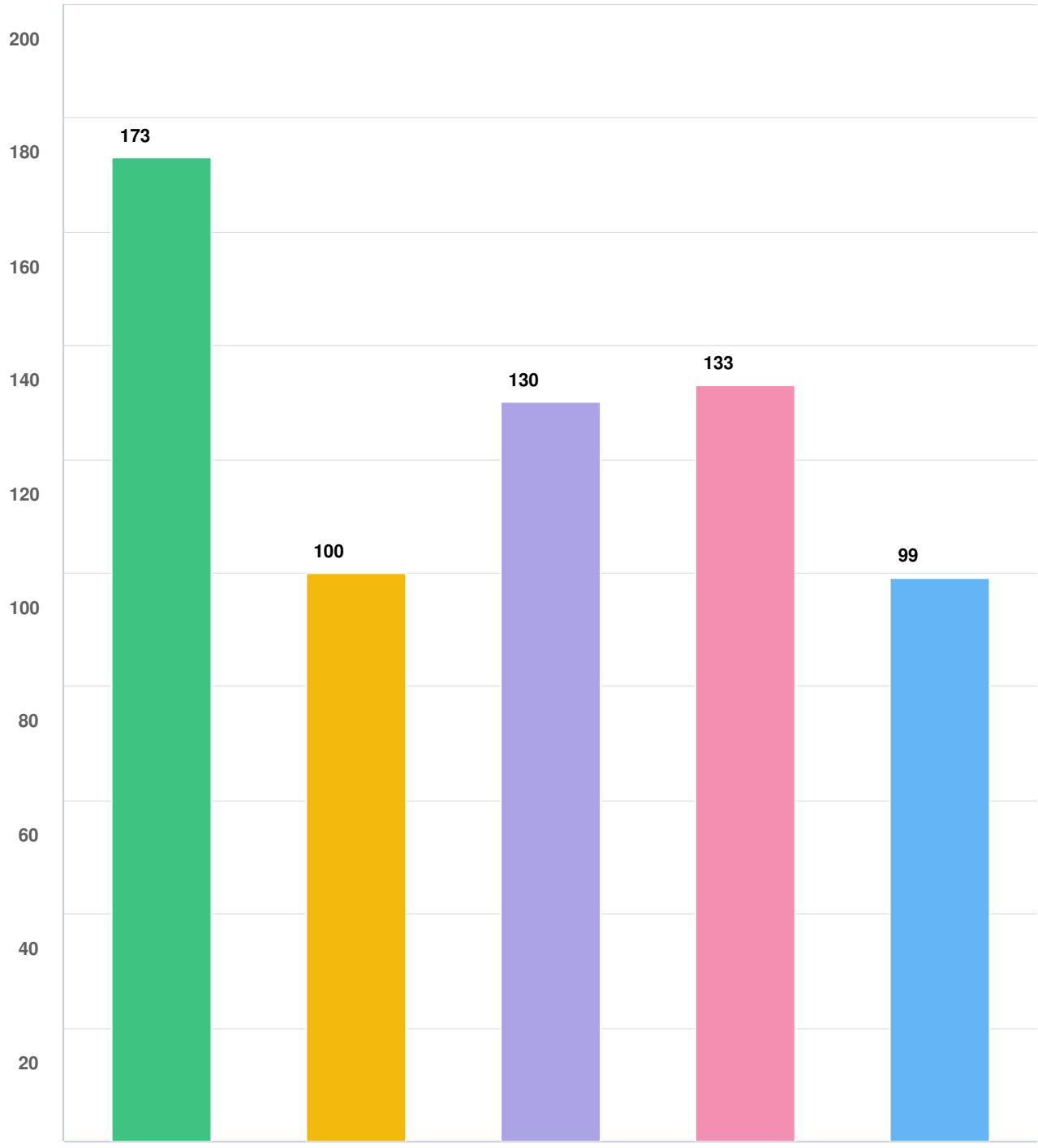
Describe your experience travelling around restaurant patios.



Optional question (483 response(s), 1 skipped)

Question type: Likert Question

What changes would you like to see made for patios in Burlington?



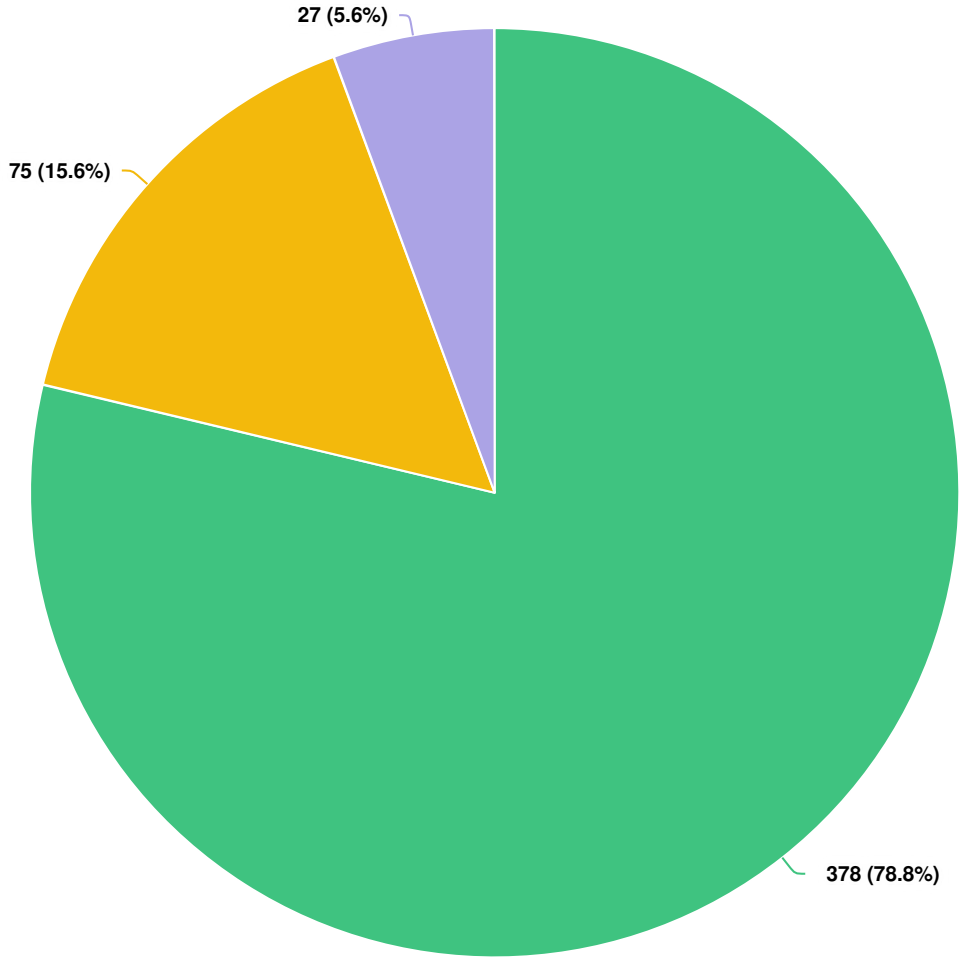
Question options

- Other (please specify)
- Improvements are not needed
- Sidewalk detours as a result of patios should be more visible
- Patios should be designed to be more accessible
- Patios should have design guidelines to make them more attractive

Optional question (470 response(s), 14 skipped)

Question type: Checkbox Question

Are you in support of sidewalk and street patios across the city in Burlington?



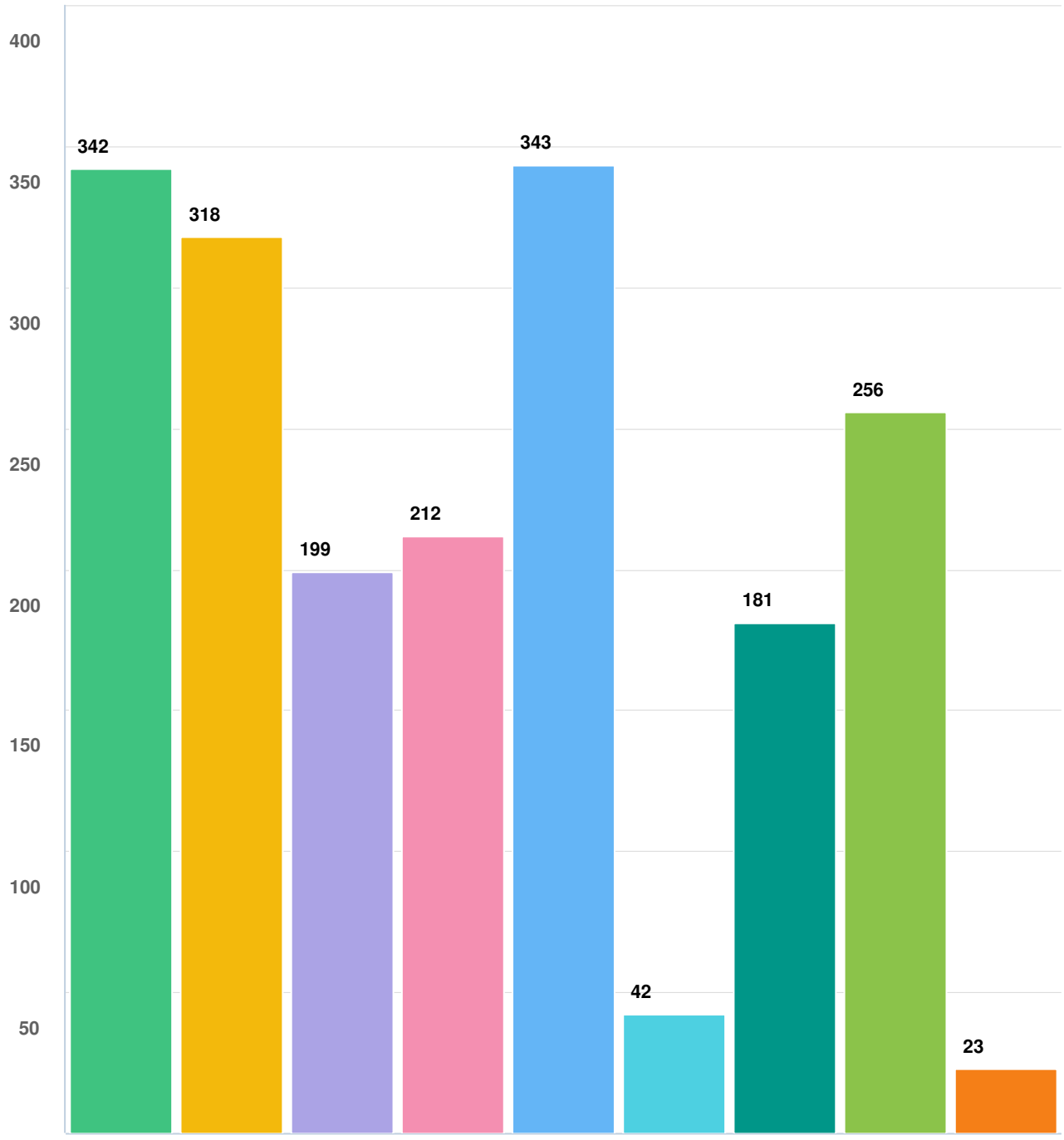
Question options

I don't know No Yes

Optional question (480 response(s), 4 skipped)

Question type: Radio Button Question

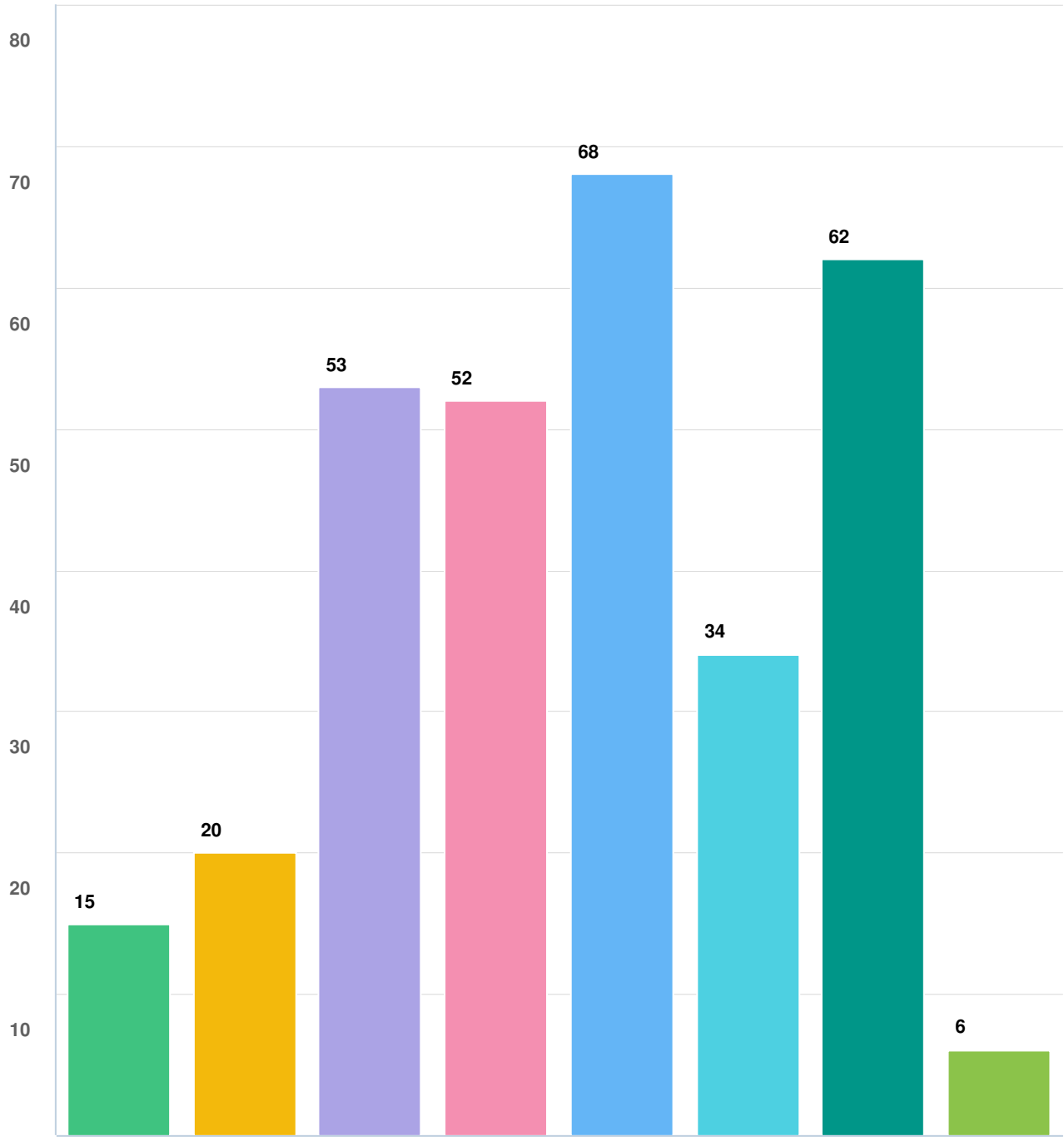
Why are you in support of sidewalk and street patios in Burlington? Choose all that apply.



Optional question (376 response(s), 108 skipped)

Question type: Checkbox Question

Why do you not support sidewalk and street patios in Burlington? Choose all that apply.



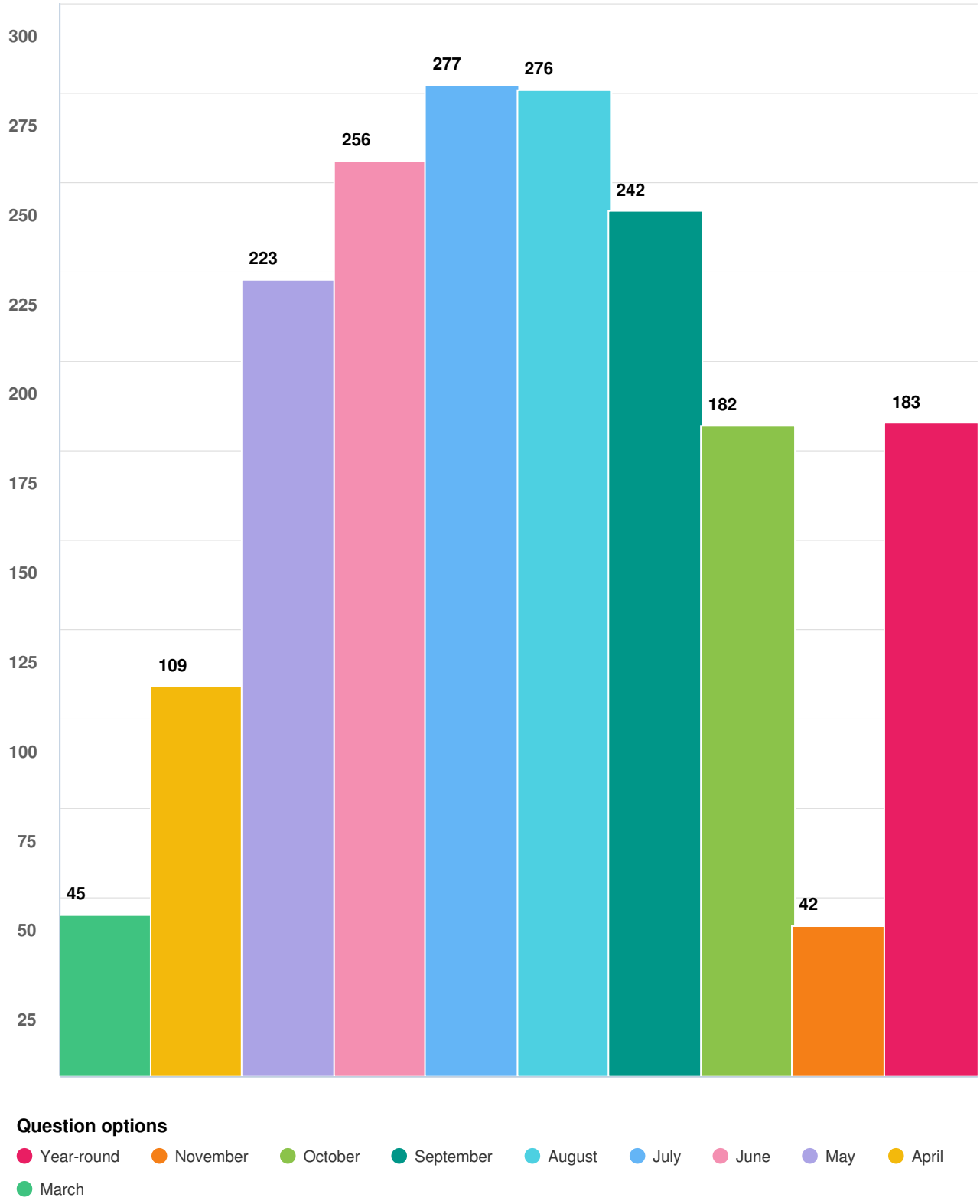
Question options

- Other (please specify)
- Reduces the ability to get around the city by car/foot
- Increased noise
- More congested traffic
- Less accessible sidewalks
- I don't like to sit next to moving and idling vehicles
- Harmful to surrounding non-restaurant businesses
- No benefit

Optional question (74 response(s), 410 skipped)

Question type: Checkbox Question

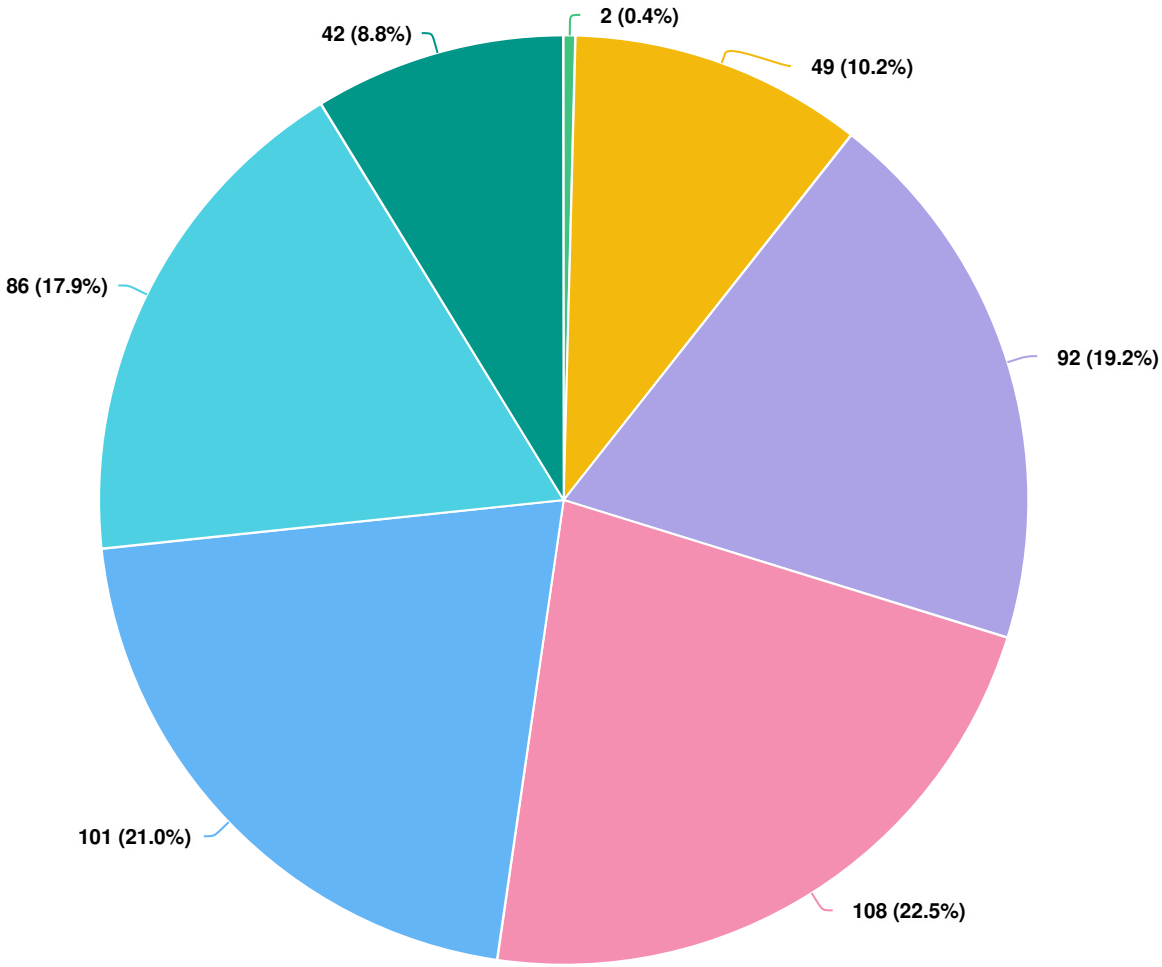
When should sidewalk and street patios be permitted in Burlington? Choose all that apply.



Optional question (437 response(s), 47 skipped)

Question type: Checkbox Question

What is your age range?



Question options

75 plus years | 65 to 74 years | 55 to 64 years | 45 to 54 years | 35 to 44 years | 25 to 34 years | 18 to 24 years

Optional question (480 response(s), 4 skipped)

Question type: Radio Button Question

Project Report

01 August 2022 - 12 October 2022

Get Involved Burlington

Patio Surveys for Businesses

BANG THE TABLE engagementHQ

Visitors Summary

Highlights

TOTAL VISITS	MAX VISITORS PER DAY	NEW REGISTRATIONS
19	11	0

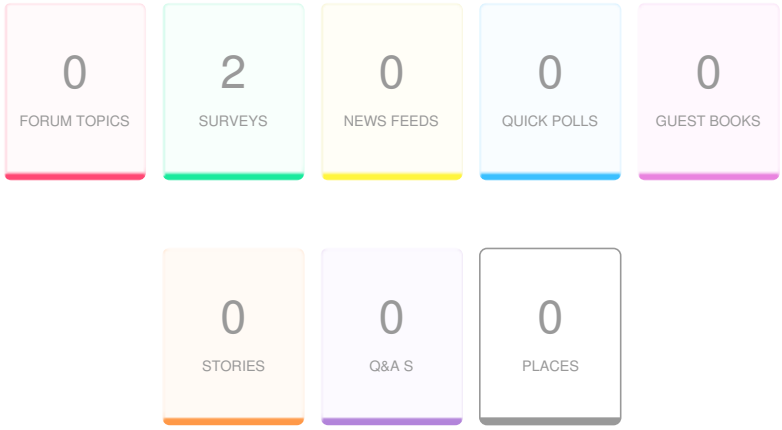
ENGAGED VISITORS	INFORMED VISITORS	AWARE VISITORS
18	19	20

Aware Participants	20
Aware Actions Performed	**Participants**
Visited a Project or Tool Page	20

Informed Participants	19
Informed Actions Performed	**Participants**
Viewed a video	0
Viewed a photo	0
Downloaded a document	0
Visited the Key Dates page	0
Visited an FAQ list Page	0
Visited Instagram Page	0
Visited Multiple Project Pages	0
Contributed to a tool (engaged)	18

Engaged Participants	18		
Engaged Actions Performed	**Registered**	**Unverified**	**Anonymous**
Contributed on Forums	0	0	0
Participated in Surveys	0	0	18
Contributed to Newsfeeds	0	0	0
Participated in Quick Polls	0	0	0
Posted on Guestbooks	0	0	0
Contributed to Stories	0	0	0
Asked Questions	0	0	0
Placed Pins on Places	0	0	0
Contributed to Ideas	0	0	0

ENGAGEMENT TOOLS SUMMARY



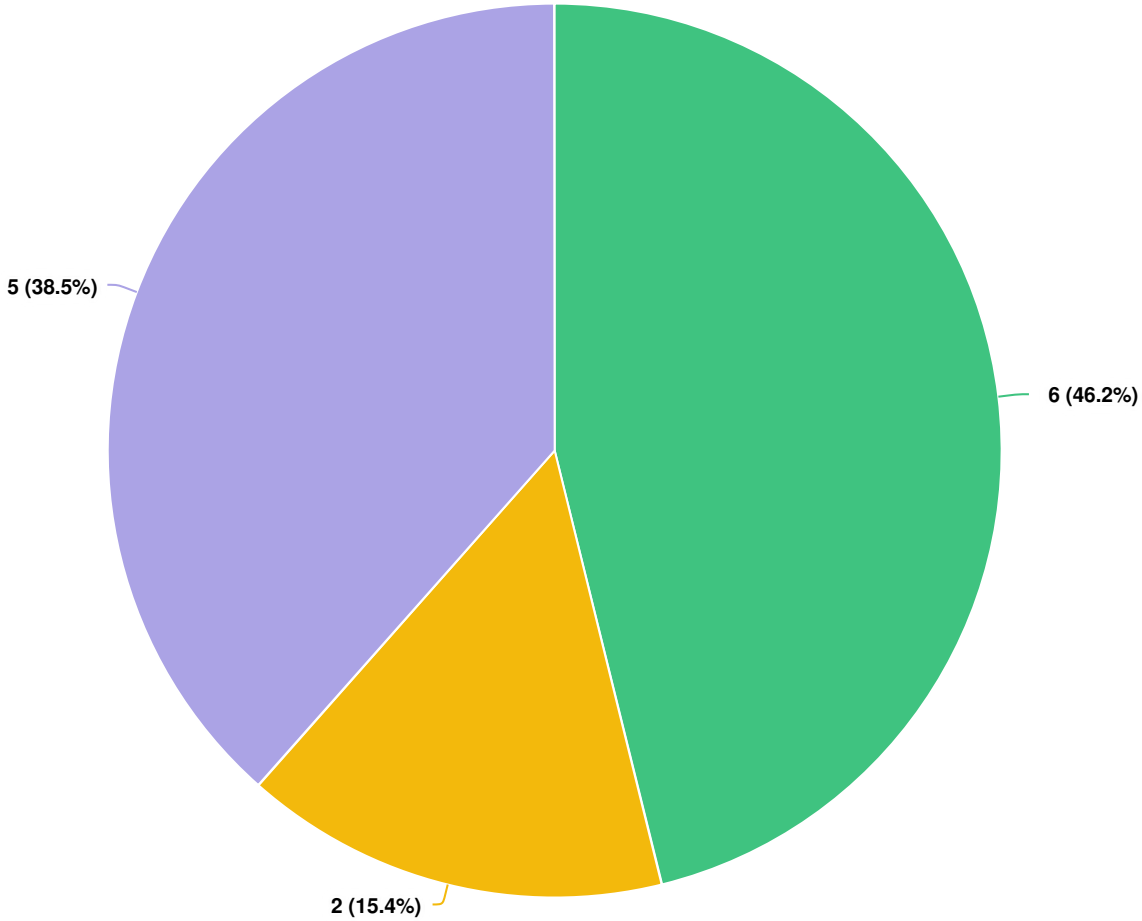
Tool Type	Engagement Tool Name	Tool Status	Visitors	Contributors		
				Registered	Unverified	Anonymous
Survey Tool	Restaurant Owners and Operators with a Patio Survey	Published	13	0	0	13
Survey Tool	Patio Survey for Owners without Patios or Non-restaurants	Published	5	0	0	5

ENGAGEMENT TOOL: SURVEY TOOL

Restaurant Owners and Operators with a Patio Survey

Visitors 13	Contributors 13	CONTRIBUTIONS 13

Where was your outdoor patio located in 2022?



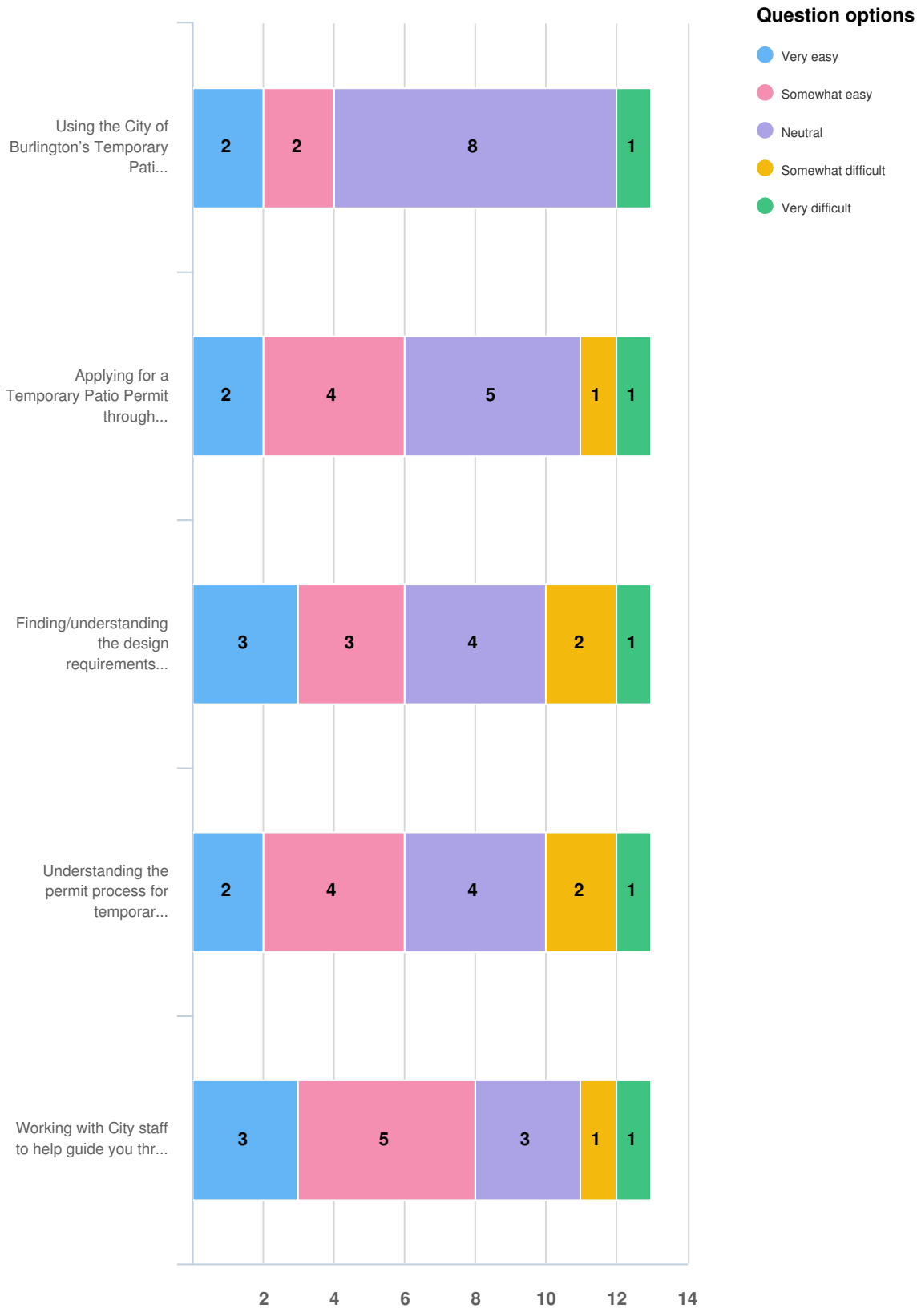
Question options

On a sidewalk | I own the property that my patio was on | Other (please specify)

Optional question (13 response(s), 0 skipped)

Question type: Radio Button Question

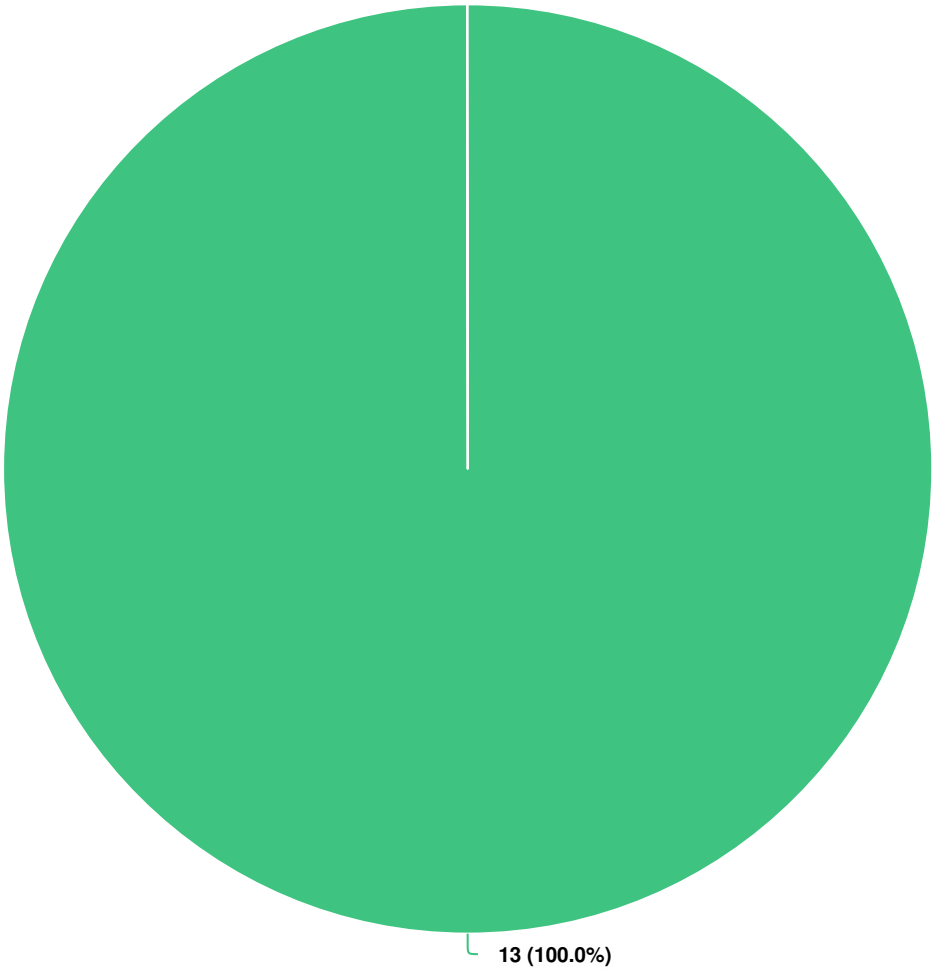
As a past participant in either the Temporary Pop-Up Patio Program or the Temporary Outdoor Patio Program, how would you rate the following



Optional question (13 response(s), 0 skipped)

Question type: Likert Question

How would you describe the feedback you heard from your customers on your patio installation?



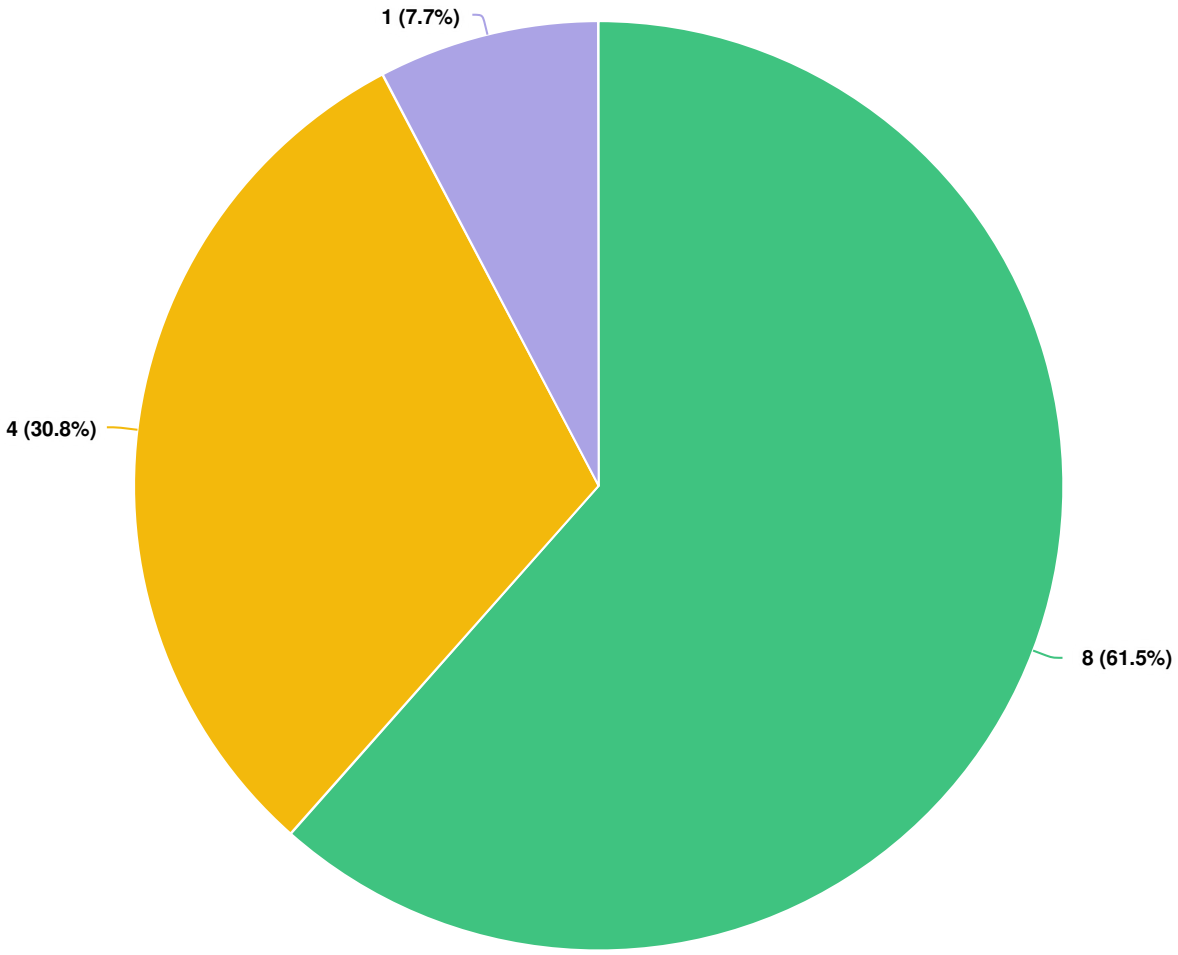
Question options

Positive

Optional question (13 response(s), 0 skipped)

Question type: Radio Button Question

If COVID-19 restrictions were not in place, would you have participated in the temporary patio program?



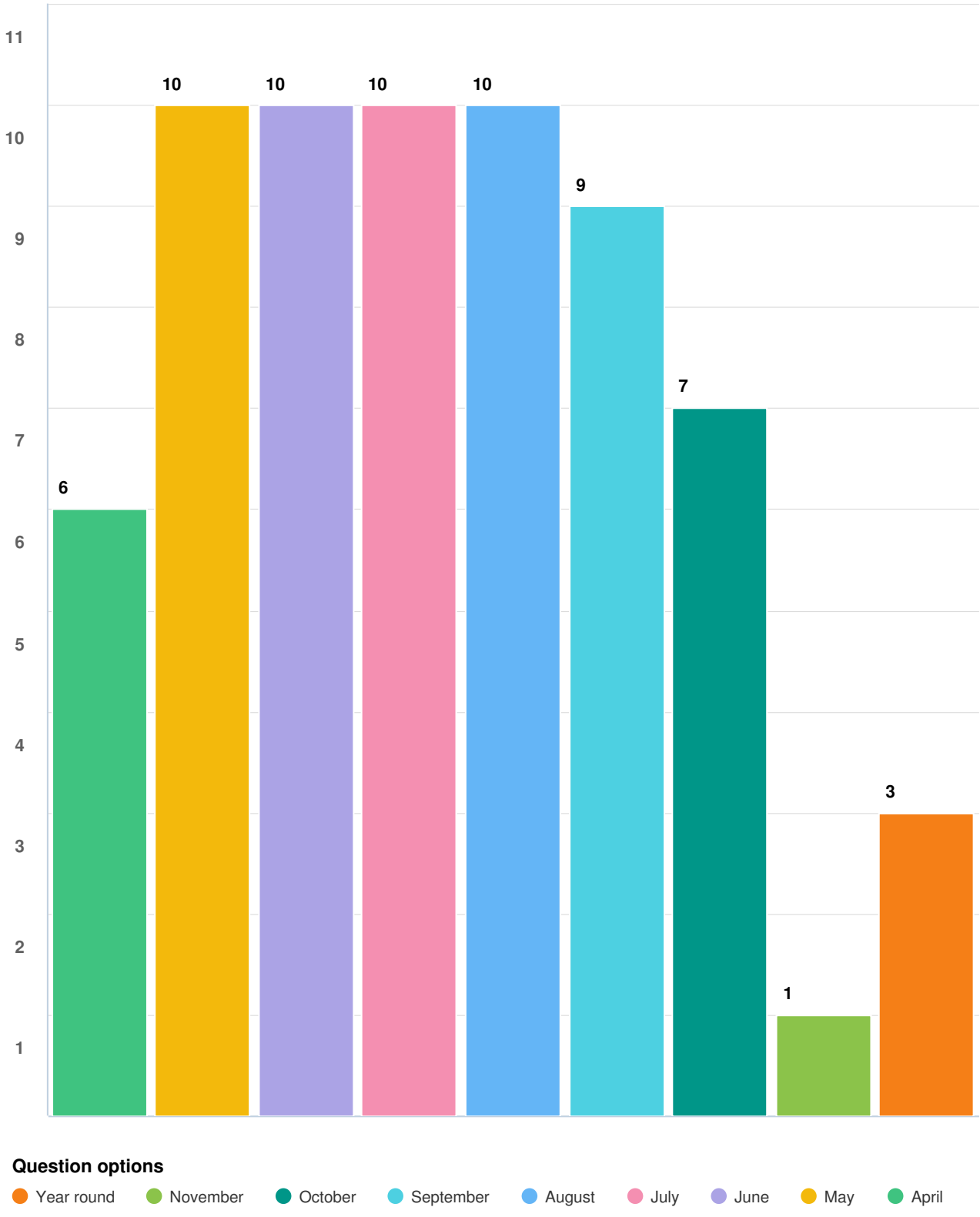
Question options

Unsure No Yes

Optional question (13 response(s), 0 skipped)

Question type: Radio Button Question

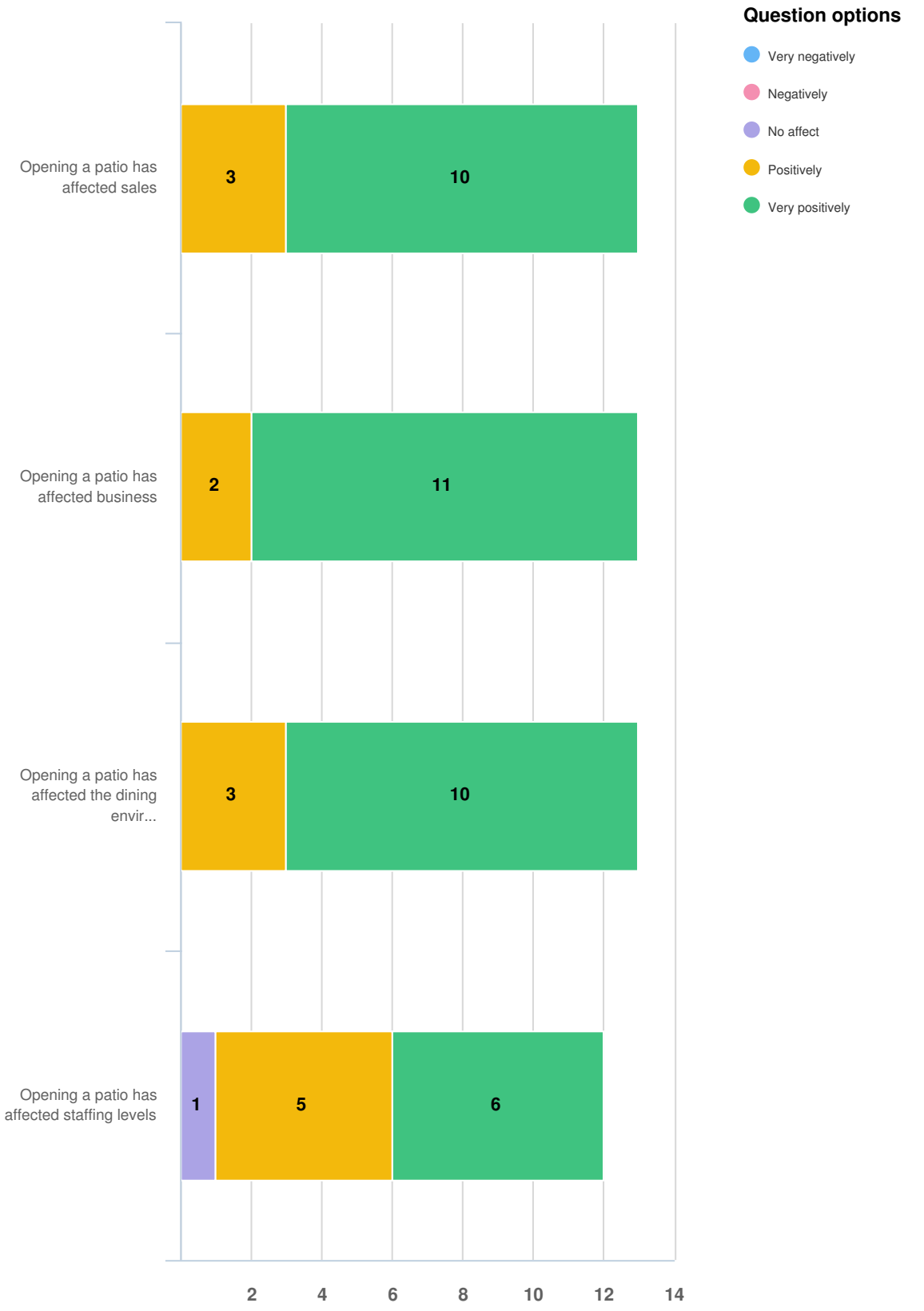
When should patios be permitted in Burlington? Check all that apply.



Optional question (13 response(s), 0 skipped)

Question type: Checkbox Question

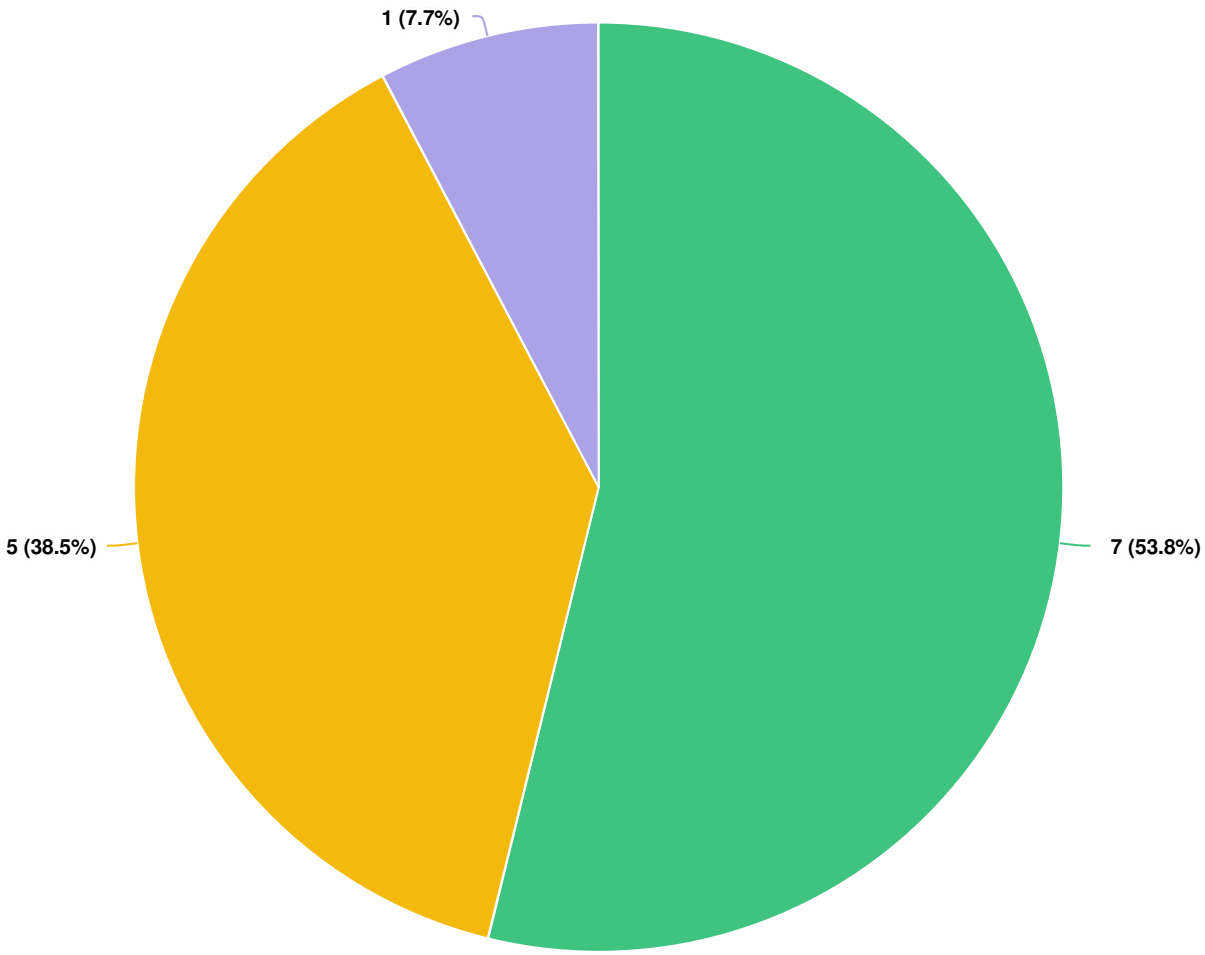
In your experience as a patio operator, how has opening an outdoor patio affected your business?



Optional question (13 response(s), 0 skipped)

Question type: Likert Question

Has your staffing level increased or decreased since the start of the COVID-19 pandemic?



Question options

Stayed the same Decreased Increased

Optional question (13 response(s), 0 skipped)

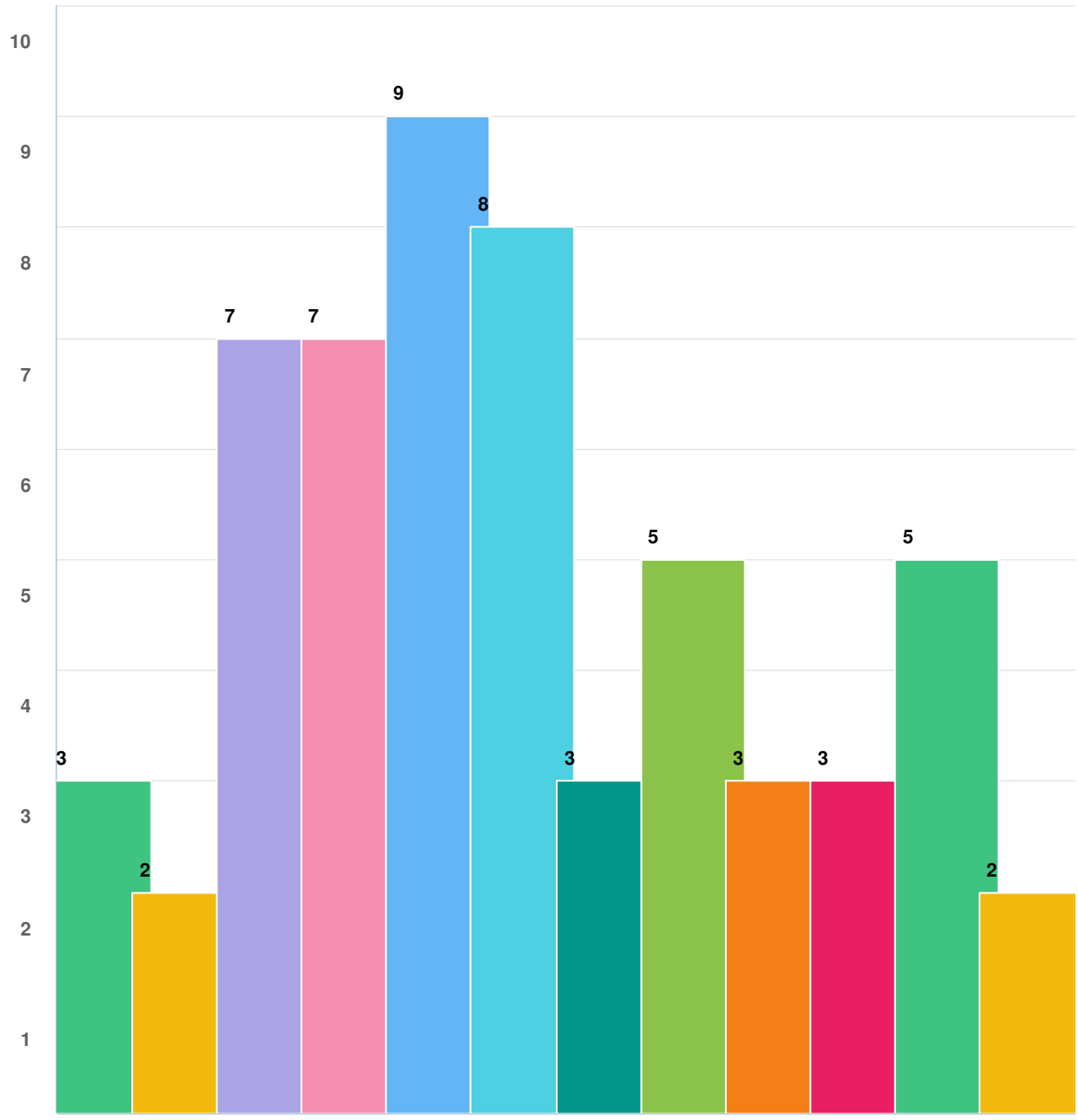
Question type: Radio Button Question

Please rate the importance of each of the following as part of an updated patio program

Optional question (13 response(s), 0 skipped)

Question type: Likert Question

As part of a new outdoor patio program, what changes should be made to the existing program? (select all that apply)



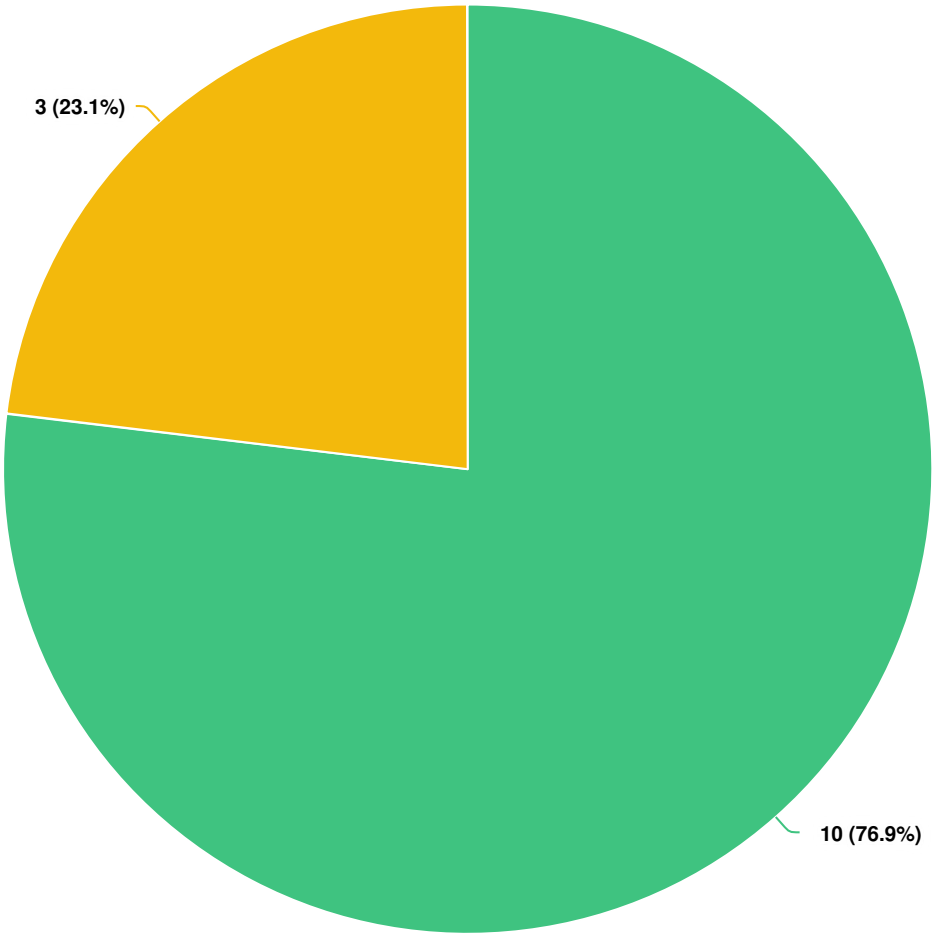
Question options

Other (please specify) Ability to play music Increased spots for delivery/pick up Improved landscaping
Better patio design No fencing Consistency of patio requirements Increase the speed of approval timelines
Expand the program City-wide Better communication about the program
Keep the roads and lanes open (no road or lane closures) Better parking enforcement

Optional question (12 response(s), 1 skipped)

Question type: Checkbox Question

Should patios be permitted on streets and sidewalks throughout the City of Burlington?



Question options

No Yes

Optional question (13 response(s), 0 skipped)

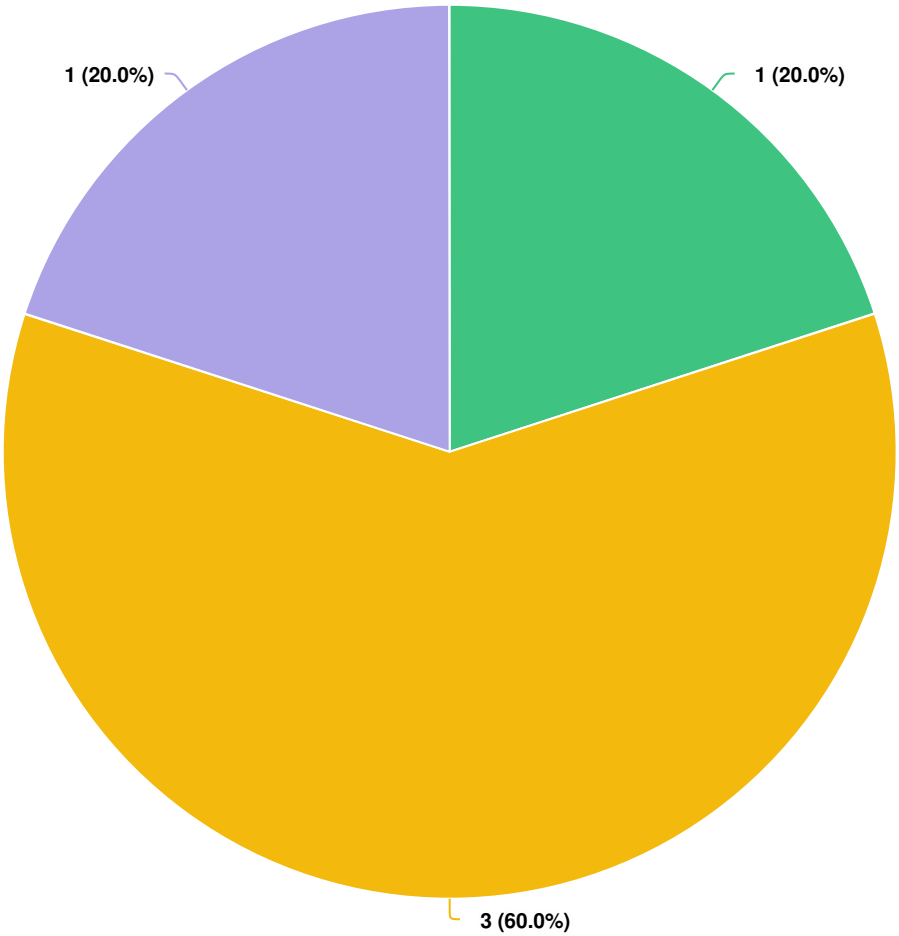
Question type: Radio Button Question

ENGAGEMENT TOOL: SURVEY TOOL

Patio Survey for Owners without Patios or Non-restaurants

Visitors 5	Contributors 5	CONTRIBUTIONS 5

What type of business are you representing?



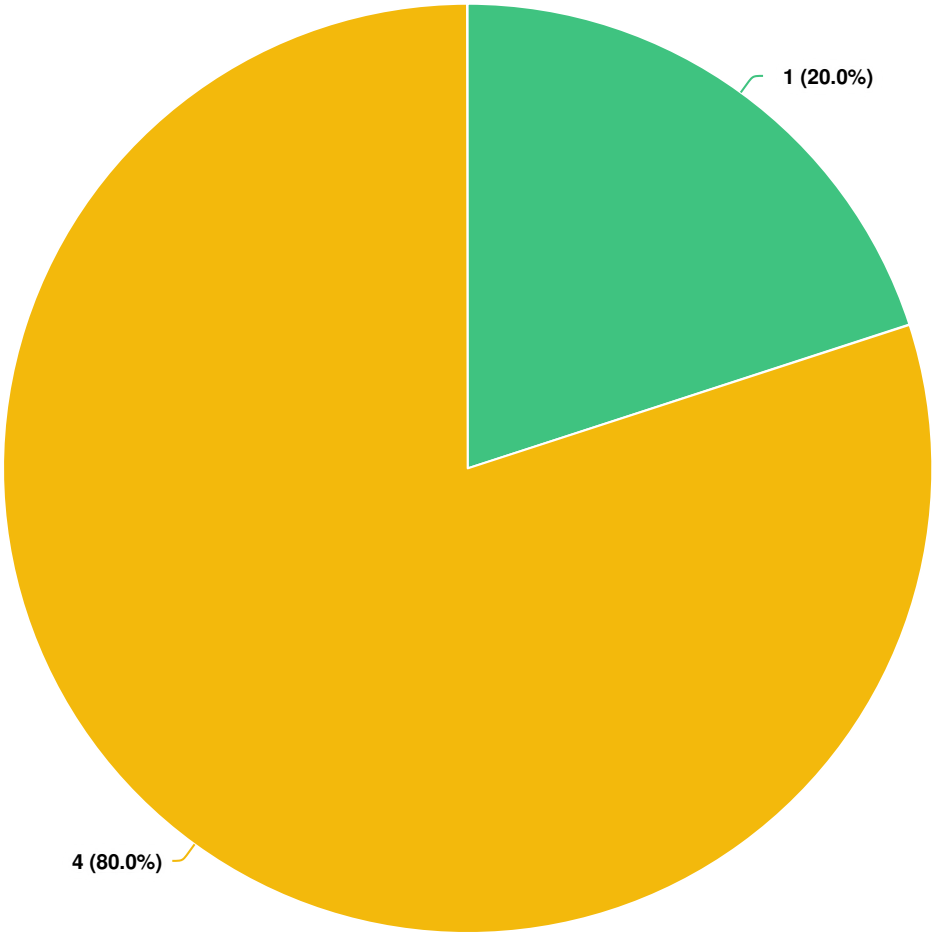
Question options

Other (please specify) Restaurant Retail

Optional question (5 response(s), 0 skipped)

Question type: Radio Button Question

How would you describe the feedback you heard from your customers about restaurant patios in the City of Burlington?



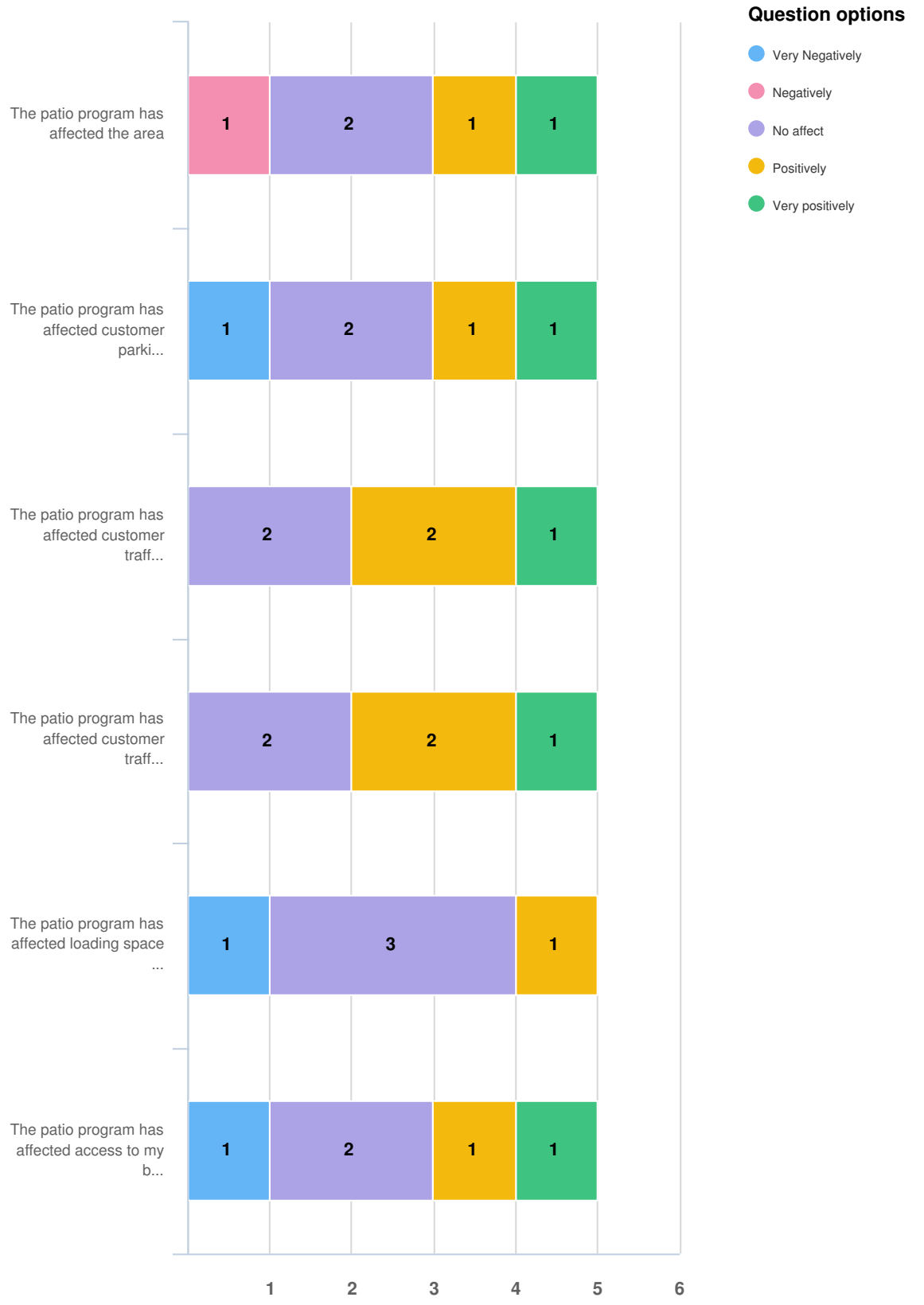
Question options

Mixed Positive

Optional question (5 response(s), 0 skipped)

Question type: Radio Button Question

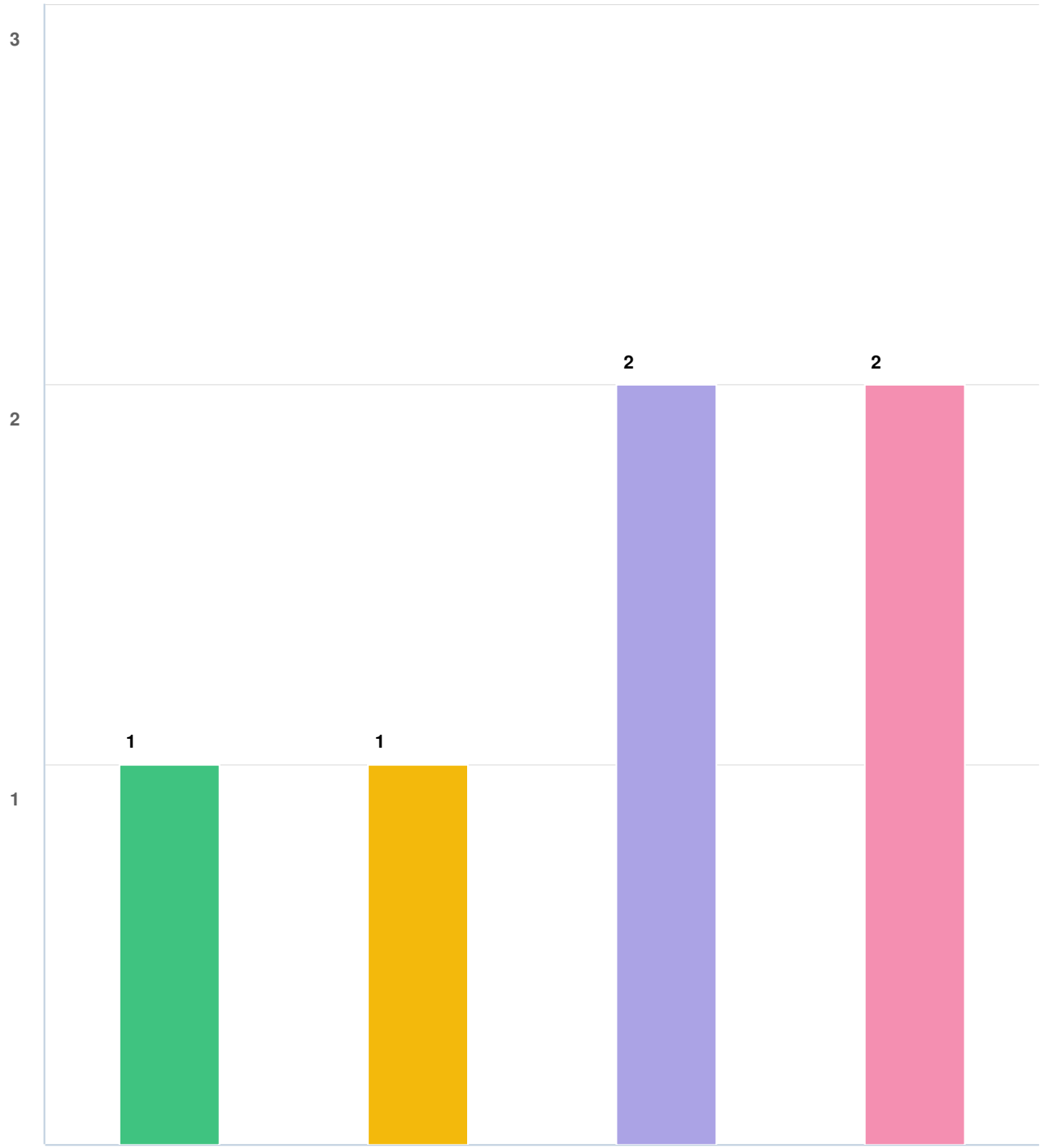
How has your business been impacted by the Temporary/Pop-Up Patio Program?



Optional question (5 response(s), 0 skipped)

Question type: Likert Question

If you are a restaurant owner and thought about opening a patio, but decided not to, what are some of the reasons why? Check all that apply.



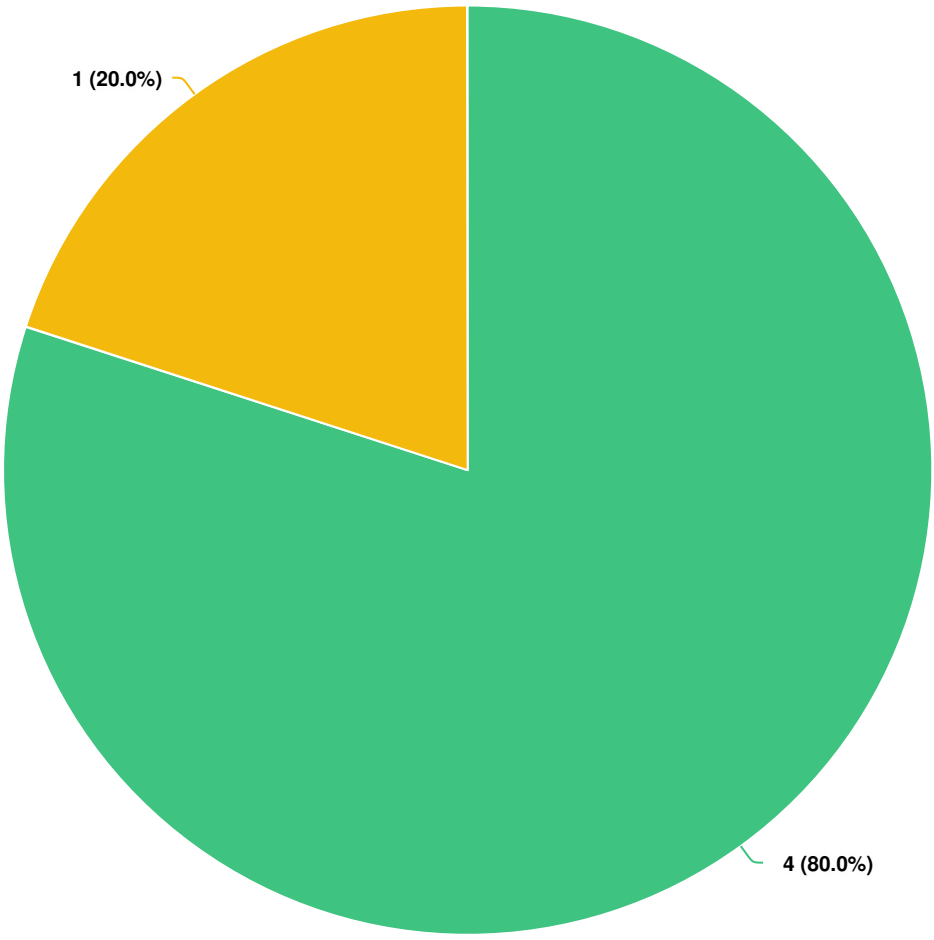
Question options

- I am not a restaurant owner/not applicable.
- I found the City's requirements too hard to meet.
- I thought it would take too long to get a patio permit.
- Cost of permits and building materials.

Optional question (4 response(s), 1 skipped)

Question type: Checkbox Question

Should businesses other than restaurants be allowed to apply for an outdoor patio?



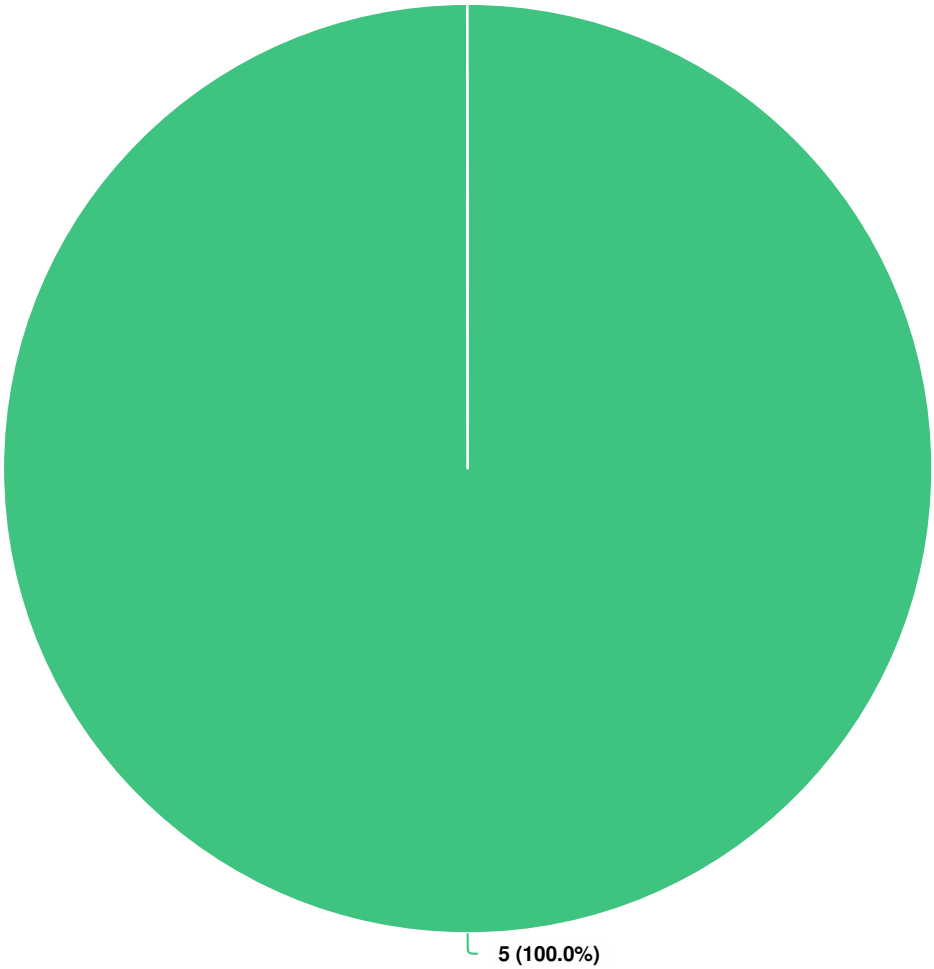
Question options

No Yes

Optional question (5 response(s), 0 skipped)

Question type: Radio Button Question

Should patios be permitted on streets and sidewalks throughout the City of Burlington?



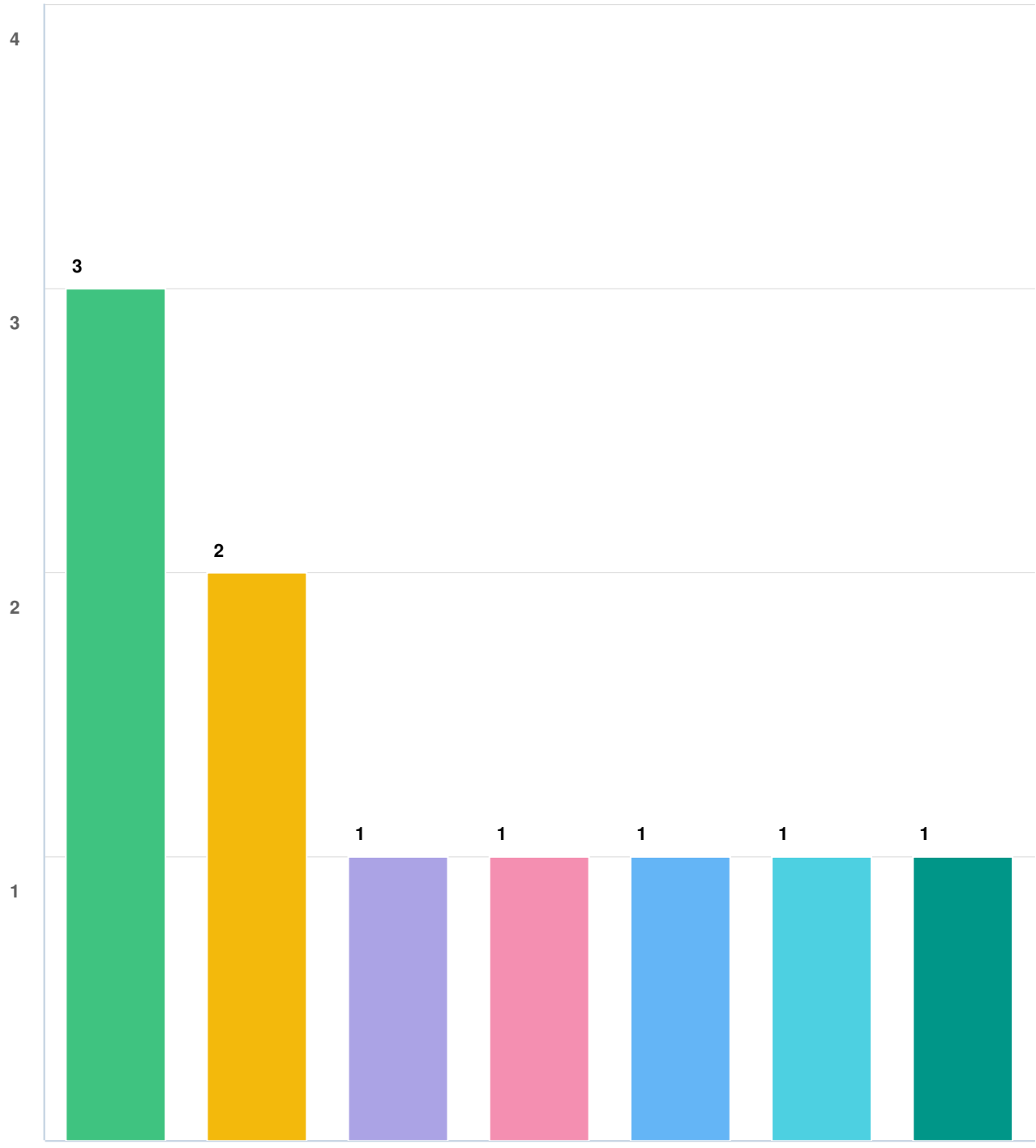
Question options

Yes

Optional question (5 response(s), 0 skipped)

Question type: Radio Button Question

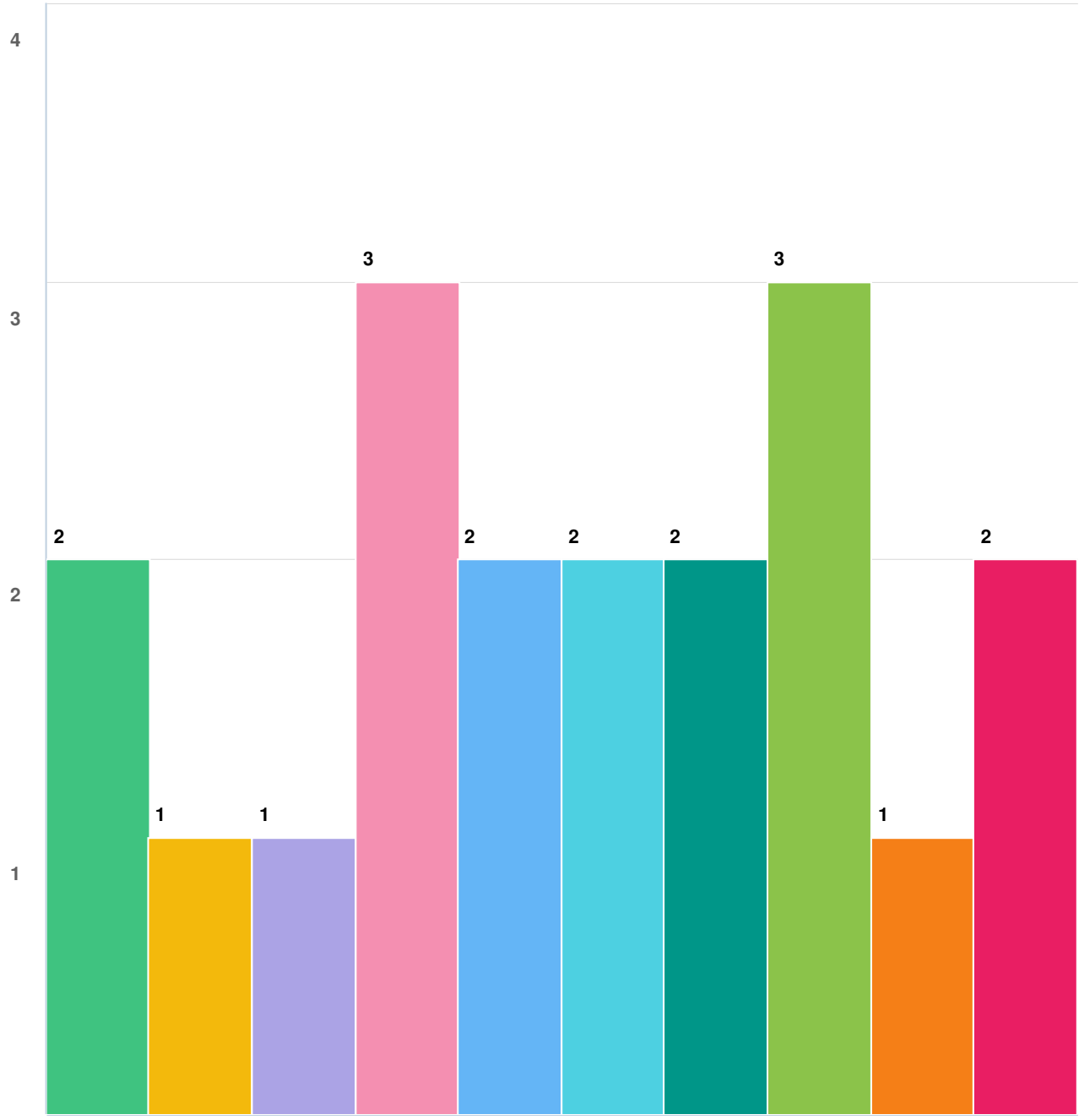
How would do you think curb lanes should be used throughout the City? Check all that apply.



Optional question (4 response(s), 1 skipped)

Question type: Checkbox Question

As part of a new outdoor patio program, what changes should be made to the existing program? Check all that apply.



Question options

- Ability to play music
- Increased spots for delivery/pick up
- Improved landscaping
- Better patio design
- Consistency of patio requirements
- Increase the speed of approval timelines
- Expand the program city-wide
- Better communication about the program
- Keep roads and lanes open (no road or lane closures)
- Better parking enforcement

Optional question (5 response(s), 0 skipped)

Question type: Checkbox Question

(Introductions)

Purpose of our delegation is to show support for the recommendations in the Outdoor Patio Program report, with modifications.

Staff is asking Committee to endorse IN PRINCIPLE the Draft Patio Design Guidelines included as Appendix B.

Both my organization, the BRA and industry suppliers were consulted on these draft guidelines during an intensive briefing last month. These were the same draft guidelines shared with members of City Council.

From that meeting we jointly tabled 14 recommendations and edits we would like to see addressed. We expect that these amendments will be duly considered when staff re-approaches with a final report in Q1.

Providing blanket support for the proposed fee schedule in the report is however, a challenge.

We are reminded of the projections from industry experts that the recovery of the hospitality sector, province wide, is a five to seven year journey toward pre-pandemic sales.

Our downtown boasts the largest concentration of restaurants and hospitality service providers in Halton Region. As advocates for this industry, Craig and I will continue to push for the removal of all barriers and additional costs to operators that could impair their recovery.

It is well known that chronic labour shortages, persistent supply chain concerns and the cost of fuel are already impediments to recovery.

Our goal today is to provide DIRECT advice and solutions to Committee as staff consider the rates & fees by-law.

RECOMMENDATION 1: We are asking Committee and Council to reduce the insurance burden on operators from $5M to $2M in 2023.

$2M is the approved rate from last season.

I would bring Committee's attention to the correspondence submitted by Team Burlington in support of this reduced cost.

For many in the industry, Chair, the proposed leap to $5M in patio liability insurance is a clear barrier to entry. This is especially true for smaller operators in the BIAs where it is typical to carry insurance in the $1M-$2M range.

We would like to see this program expand, not only in its geography but also in the number of participants. The industry has concluded that a requirement for $5M and the resultant leap in cost to the operator to meet that standard, an estimated **$10-$40K** per business annually, would be a significant disincentive to participate.

RECOMMENDATION 2: We are asking Committee and Council to reduce or eliminate many of the proposed fees outlined in the present report.

Prior to the pandemic, operators that encroached on public parking stalls were charged a fee of $1,720 to offset the loss of revenue that would be generated.

In June 2020 Council's wisdom was to waive that fee in its entirety.

This was part of a municipal support package that waived *also* the fees and requirements for site plan approval and zoning clearance certificates.

The present report is seeking a *re-introduction* of the parking space fee to an amount of **$750** per space. In addition, it introduces a new fee of **$500** per application for patios encroaching on-street to assume the cost for any bollards, hazard-marker signage or barriers required.

While we appreciate the desire to include municipal cost-recovery measures, we are in fact seeking a municipal investment in a permanent patio program commencing 2023.

Finally Chair, the staff recommendation in the report is OPTION 2: "*the discontinuation of a municipal investment in on-street barriers for the creation of "pedestrian clear paths" on roads".*

We agree with the sentiment of the citywide patio survey referenced in the report: the outdoor dining experience was *not enhanced* by the set up of large, orange waterfilled barriers last season.

The hospitality sector downtown **does** support the need for a consistency of look and feel in the design of the patios and rights of way.

Yet, our support for the new design guidelines, in principle, comes with significant consequence.

By the municipality rescinding its investment in the creation of pedestrian clear paths the onus will fall squarely on the operators to fund and install this required infrastructure.

This is an unacceptable cost.

Page 12 of the Report outlines a solution to the problem of funding a centrally-managed pedestrian walkway system: The Municipal Accommodation Tax Reserve Fund.

A permanent patio program citywide requires a permanent investment in pedestrian walkways.

Our knowledge of the MAT program is the following:

1) Local hospitality providers have already commenced the collection of this tax

2) 50% of this revenue is to be used at the discretion of the City of Burlington

3) The intention of the MAT Fund is to invest in projects that "*improve visitor and resident experiences by increasing the infrastructure and tourism capacity of the City*" as well as "*investing in placemaking initiatives that provide economic recovery to tourism and hospitality businesses*"

Our view is that this Fund is perfectly aligned to support the needed infrastructure that the revised Design Guidelines demand.

Yet, this program is out-of-reach until 2024.

Chair, we submit

RECOMMENDATION 3: We are asking Committee and Council to expedite the MAT Fund to 2023. Specifically, to signal pre-approval for the purchase or rental of pedestrian platforms to support the Patio Program city-wide. Alternatively, to identify a similar funding source to meet this goal.

In conclusion, Chair, our delegation is seeking funding certainty from this Council as operators weigh their participation in the proposed Patio Program for next year.

We submit that if the tenets of the present report were in effect today including: higher insurance requirements, the introduction of new fees, and, a significant expense to furnish the public realm, most operators would simply opt out.

- That concludes our delegation, we will take questions

2023 City of Burlington Outdoor Patio Program - Update for Q4 2022

CPRM December 6, 2022
PL-76-22
Staff Presentation

Jason Brander, MPA, MCIP, RPP
Special Business Area Coordinator
December 6, 2022

Background

- The intent of report PL-76-22 is to provide an update on the City-Wide Patio Program and the next steps for the project. The report also requests Council endorsement of the design guidelines.

- There will be another report, which is intended to be the final report no later than February 2023.

- That report will make final recommendations on fees, insurance and will bring forward amending By-laws which will implement the standards contained in the final guidelines.

- The draft guidelines will also be amended to implement the feedback received to date and today from Council.

City-Wide Patio Program Update

Project Plan

August-September 2022	• **Project Kick Off.** • **Formation of interdepartmental Patios Team, to meet every two weeks for the duration of the project.** • **Set up project website and online questionnaire that engages both businesses and area residents.**
October-November 2022	• Conduct research and develop draft city-wide patio guidelines and program structure. • Community engagement to present draft city-wide patio guidelines and program structure.
Q4 2022 and Q1 2023	• Preparation of draft city-wide patio guidelines and program structure. Report to Burlington City Council in advance of the 2023 patio season.
Q2 2023-onward	• On going monitoring and refinement of policies, regulations and guidelines.

Consultation to Date

- **July 29, 2022 -** City Staff, the Burlington Downtown Business Association, and stakeholders from the patio industry participated in a walking tour of the Burlington Downtown.
- **September 9, 2022 –** Focus group meeting held with members of the Burlington Restaurant Association (BRA) and BDBA to discuss the project, survey and next steps.
- **September 12 – October 11, 2022 –** Get Involved Burlington website launched providing project updates. A public survey was launched about the City-Wide Patio Program to provide an opportunity for residents, patio operators and businesses to comment on the current program and what they would like to see as part of a future.
- **November 10, 2022 –** Roundtable with the BRA and BDBA with respect to the draft guidelines.
- **November 10, 2022 –** Presentation of the draft guidelines to Accessibility Committee.
- **December 2, 2022 –** Guidelines posted for public comment on Get Involved Burlington Page.
- Ongoing consultation and discussion with our internal commenting partners.

Draft Design Guidelines

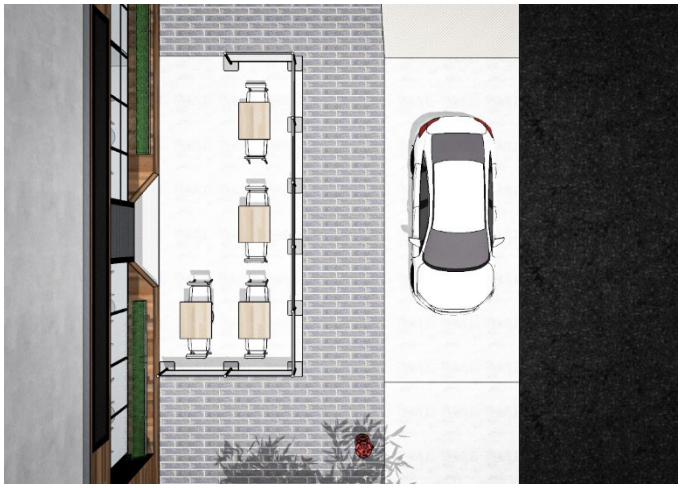
For 2023 Patio Season

- Design guidance for patios on public property (curb lane and sidewalks), as well as patios on private property;
- Accessibility requirements for all patios;
- Instructions of how operators can apply and step-by-step details on how applications will be processed;
- Guidelines related to fencing, umbrellas and canopies; and
- Fire safety requirements.

Proposed Design Guidelines vs. Previous Design Guidance

Standard	Pop-Up Patio Program (2015-19)	Temporary Patio Program (2020-22)	Proposed Patio Burlington Program - 2023
Pedestrian Clear Path	2.0 m horizontal	2.0 m horizontal	1.8 m horizontal 2.44 m vertical
Dates of Operation	May 15-September 16 (on average)	April 15-October 31	No Change
Number of Patios	Limit of 10 within the Downtown	No limit	No limit
Patio Types	Sidewalk Patio, Curb Lane Patio w/Pedestrian By-pass	No specific regulations regarding patio type.	Sidewalk Patio Curb Lane Patio Patio on Private Property
Temporary Tents	No specific regulations regarding temporary tents.	Per OBC & AGCO Requirements	Per OBC requirements. Locational requirements carried forward.

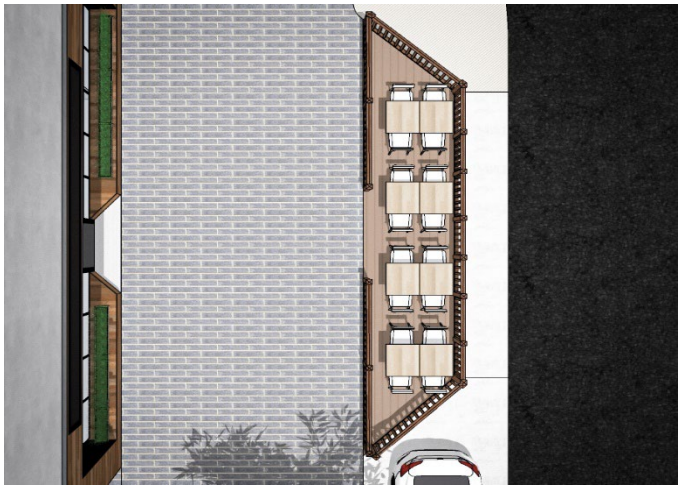
Types of Patios - Flexibility Based on Context



1. Frontage Patio

2. Curbside Patio

3. Frontage Patio w/ Pedestrian By-Pass



4. Parklet Patio

Fees

- As part of the original Pop-Up Patio Program from 2015-19, the licensee was responsible for payment of fees to off-set the loss of revenue from parking spaces, which amounted to approximately $3,254.00 for 154 days per space. This fee was eventually reduced and is now $1,720.00. It was $1,806.00 as recently as 2019.
- Most municipalities surveyed that were charging a fee for temporary patios reverted to regular permit fees for private property.
- Staff are investigating market rates based on commercial land value and the rates of surrounding municipalities, which is how we will arrive at a fee recommendation for the 2023 season a part of the Q1 report.

Proposed Insurance

For 2023 Patio Season

- Recommendation for a $5 million liability limit, which is a resumption of liability limits from previous years patio programs and was arrived at following consultation with Legal Services including the City's Insurance and Risk Management Officer and City's insurance broker.

Options for Operation of the Program

For 2023 Patio Season

Option 1: Continue to Provide Barriers for the Creation of Pedestrian Clear Ways (COVID-era measure)

- Maintaining the status quo, which would utilize the City-owned orange barriers and asphalt ramps to permit pedestrian clear paths on the roadway at an ongoing operational cost of $15,500.00.
- This cost would be recovered through an additional fee on top of the base fee, administered at the time an operator is approved for a curb lane patio, if there is additional work required for the City to install and maintain required safety devices (knock down bollards, hazard marker signage, planters, etc.)

Options for Operation of the Program

For 2023 Patio Season

Option 2 (Recommended by Staff): Discontinue Providing On-street Barriers for the Creation of Pedestrian Clear Paths on Roads (Pre-COVID approach):

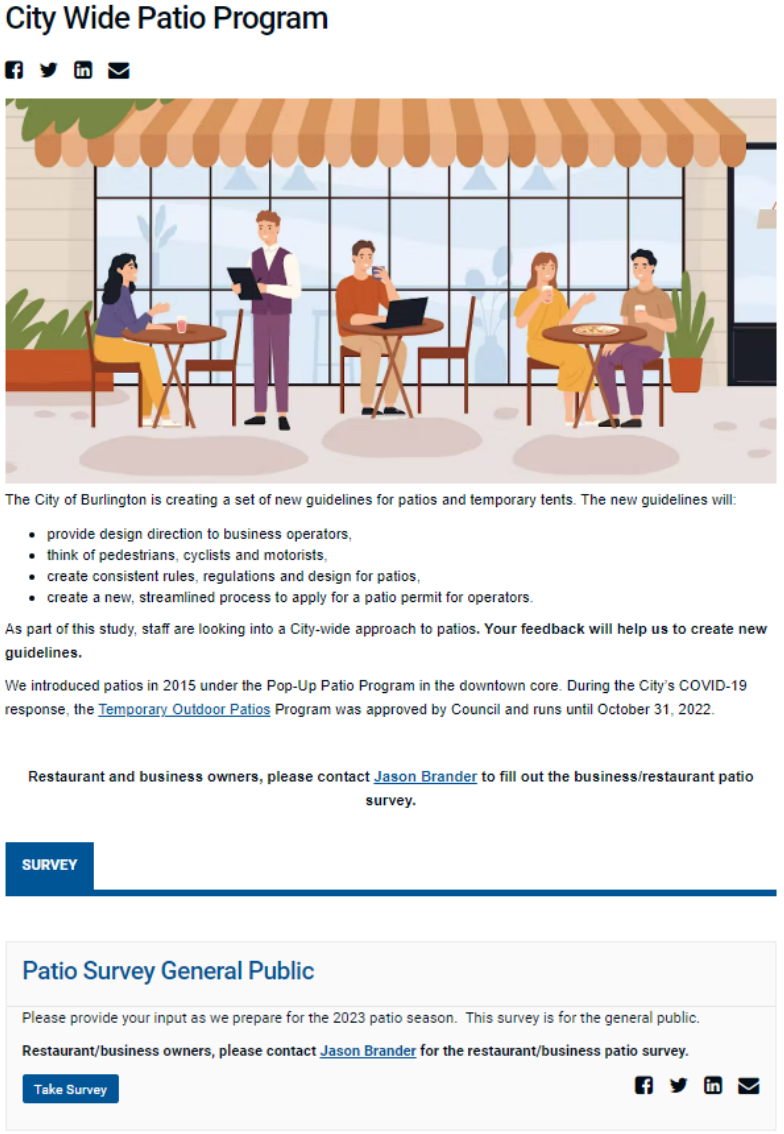
- This would place the onus on restaurant operators to provide and install a pedestrian by-pass where permitted, which is the same practice as the former Pop-Up Patios program.
- There would still be ongoing costs associated with installing and maintaining required safety devices, which could include the installation of orange barriers in some locations, at an estimated cost of $10,000.00. However, the requirement for the City to install asphalt ramps to access pedestrian clear paths would be eliminated.
- Based on the fees as outlined above and assuming a similar uptake of 14 patios on public property like the 2022 patio season, the revenues generated by collecting a permit fee at the rates recommended above may offset costs by approximately $10,000.00 for 2023.

Next Steps

For 2023 Patio Season

- Q1 2023 Final Report – **no later than February** which will implement a streamlined application and permit process, finalized fee structure and patio design guidelines.
- Staff will recommend approval of an amendment to Zoning By-law 2020 to permanently implement zoning standards for the outdoor patio program.
- Staff recommend that Council endorse, in principle, the draft Patio Burlington Design Guidelines attached as Appendix B, with modifications as a result of additional stakeholder consultation to be included in a Final Report to Council by Q1 2023.

For more information, visit: https://www.getinvolvedburlington.ca/city-wide-patio-program



City Wide Patio Program

The City of Burlington is creating a set of new guidelines for patios and temporary tents. The new guidelines will:

- provide design direction to business operators,
- think of pedestrians, cyclists and motorists,
- create consistent rules, regulations and design for patios,
- create a new, streamlined process to apply for a patio permit for operators.

As part of this study, staff are looking into a City-wide approach to patios. **Your feedback will help us to create new guidelines.**

We introduced patios in 2015 under the Pop-Up Patio Program in the downtown core. During the City's COVID-19 response, the Temporary Outdoor Patios Program was approved by Council and runs until October 31, 2022.

Restaurant and business owners, please contact Jason Brander to fill out the business/restaurant patio survey.

SURVEY

Patio Survey General Public

Please provide your input as we prepare for the 2023 patio season. This survey is for the general public.

Restaurant/business owners, please contact Jason Brander for the restaurant/business patio survey.

Take Survey

Team Burlington
414 Locust Street
Burlington, ON
L7S 1T7

November 28, 2022

Members of Burlington City Council
426 Brant Street
Burlington, ON
L7R 3Z6

Re: Team Burlington Advocacy on Patio Liability Insurance

Throughout the pandemic Team Burlington which includes Burlington Economic Development, Burlington Chamber of Commerce, Tourism Burlington, Burlington Downtown Business Association and the Aldershot Village BIA have advocated on behalf of businesses. The Hospitality sector has been one of the hardest hit sectors by COVID-19 and faces significant barriers to sustainability. Increasing fixed operating costs remain an issue for restaurants and they are struggling with increased rents, insurance premiums, and the new minimum wage all of which are increasing the costs of operating their business. At the same time inflation is adding additional costs for the business and decreasing the disposable income that customers are able to spend on restaurants. While the grants and other supports in place to help businesses through the impacts of COVID-19 have ended the hospitality sector is still facing many obstacles to survival.

The average cost of insurance for a restaurant based on information provided by the Burlington Restaurant Association is $20-40K in annual premiums depending on the size and nature of the restaurant. An increase to $5 Million liability (from $2 Million) insurance increases the premium by 50 – 100% depending on the insurance carrier. This would result in an additional $10 – 40K per business on an annual basis to meet the temporary patio policy requirements currently in place.

Team Burlington has regular engagement with the business community including the Digital Main Street Service Squad and My Main Street Ambassadors who have engaged over 500 business in 2022. Burlington's hospitality sector continues to voice concerns around recovery and have still not seen profits return to pre pandemic levels. Within the private sector, typically restaurants and large private landlords of commercial plazas hold liability insurance in the $5-10 Million range as part of lease agreements. Additional feedback that Team Burlington received from the Burlington Restaurant Association indicated that while the majority of restaurants hold a minimum of $5 Million liability, smaller establishments with limited alcohol sales may hold only $1 Million in liability insurance. Likewise for smaller commercial landlords, particularly in the Business Improvement Areas (BIAs), the requirement of restaurants and cafes for liability insurance for patios may be in the $1 -2 Million range. The requirement of liability insurance set at $5 Million may create a barrier for smaller establishments to remain competitive and service customers who prefer outdoor dining.

Team Burlington is calling on the City of Burlington to remove all barriers and additional costs to support Burlington businesses and encourage their survival. In line with previous years, we are asking that Council give consideration to decreasing the patio liability insurance minimum to $2 Million dollars for 2023 to support businesses trying to survive the impacts of COVID-19. This ask is inline with the council approved patio liability requirements in 2021 and 2022 which were seen as essential element of supporting the hospitality sector during COVID-19.

Sincerely,

Anita Cassidy
Executive Director
Burlington Economic Development

SUBJECT: City of Burlington submissions as of November 25 on Ontario's Housing Supply Action Plan and Bill 23

TO: Community Planning, Regulation & Mobility Cttee.

FROM: Community Planning Department

Report Number: PL-82-22

Wards Affected: All

File Numbers: 145-26

Date to Committee: December 6, 2022

Date to Council: December 13, 2022

Recommendation:

Direct the Director of Community Planning to provide any additional comments based on feedback at the December 6 CPRM Committee to the Province in advance of Council approval on December 13, 2022.

PURPOSE:

The purpose of this report is to share the submissions, to the Province of Ontario in response to the various consultations related to *Bill 23, More Homes Built Faster Act, 2022.*

Vision to Focus Alignment:

- Increase economic prosperity and community responsive city growth
- Improve integrated city mobility
- Support sustainable infrastructure and a resilient environment
- Building more citizen engagement, community health and culture
- Deliver customer centric services with a focus on efficiency and technology transformation

Background and Discussion:

As set out in CS-12-22: Consultations on Bill 23 More Homes Built Faster, 2022 the province introduced Bill 23, *More Homes Built Faster Act, 2022* on October 25, 2022.

The goal of the legislation is to facilitate the construction of 1.5 million new homes in Ontario by 2031. The omnibus bill proposes amending a number of existing statutes including: the *Planning Act*, *Ontario Heritage Act*, *Development Charges Act*, *Conservation Authorities Act*, and *Ontario Land Tribunals Act*, amongst others, and introduces new legislation named *Supporting Growth and Housing in York and Durham Regions Act, 2022*.

On November 23, one day in advance of the first deadline, consultation periods were extended for several postings. Regardless, since the first reading of Bill 23, the province proposed a number of amendments further emphasizing the lack of consultation and shortened timelines in order for municipalities to provide comment. Staff are disappointed to note that at the time of preparing this report, the Bill has received Royal Assent.

These comments follow through on the commitment made in staff report PL-27-22 City's response to the Housing Affordability Task Force recommendation report to provide timely comments on any Environmental Registry of Ontario (ERO) postings subject to subsequent Council approval. The attached comments were prepared by staff and informed by the guiding principles set out in CS-12-22: Consultations on Bill 23 More Homes Built Faster, 2022 including:

- More Homes Built Faster
- Complete Communities
- An Engaged Community
- Growth Pays for Growth
- Matters of Provincial Interest
- Public Health and Safety
- Environment, Urban Design and Climate Change

The attached responses fall into three categories:

- Comments "Submitted" by their deadline indicating that given the short commenting period, immediately after the municipal election, City Council was not afforded the opportunity to review and endorse the comments prior to submission and additional comments or refinements may be submitted after the commenting deadline;
- "Not Submitted" as these comments have not yet been submitted to the ERO as comment are due after CPRM Committee consideration; or
- "No submission".

Please refer to the listed appendix for more details on each.

Posting / Name	**Submission** (Submitted; Not Submitted or No Submission)	**Consultation Deadline**
Planning Act (Schedule 9 of Bill 23) ERO 019-6163	Refer to Appendix A **(Not Submitted)**	December 9, 2022
Heritage Act ERO 019-6196	Refer to Appendix B **(Submitted)**[1]	December 9, 2022
Planning Act and Development Charges Act ERO 019-6172	Refer to Appendix C **(Not Submitted)**	December 9, 2022
Conservation Authorities ERO 019-6141	Refer to Appendix D **(Not Submitted)**	December 9, 2022
Updates to Ontario Wetland Evaluation System ERO 019-6160	Refer to Appendix E **(Submitted)**	November 24, 2022
Proposed Municipal Act Changes: Municipal Rental Replacement By-Law ORR 22-MMAH017	Refer to Appendix F **(Not Submitted)**	December 9, 2022
Proposed Amendments to the OLT ORR 22-MAG011	Refer to Appendix G **(No Submission)**	December 9, 2022

[1] Submitted at the original deadline of November 24, commenting deadline has since been extended.

Proposed Changes to Ontario Regulation 232/18: Inclusionary Zoning ERO 019-6173	Refer to Appendix H **(Not Submitted)**	December 9, 2022
Proposed updates to the regulation of development for the protection of people and property from natural hazards in Ontario ERO 019-2927	Refer to Appendix I **(Not Submitted)**	December 30, 2022
Proposed Changes to Ontario Regulation 299/19: Additional Residential Units ERO 019-6197	Refer to Appendix J **(Not Submitted)**	December 9, 2022
Seeking Input on Rent-to-Own Arrangements ORR 22-MMAH018	Refer to Appendix K **(Not Submitted)**	December 9, 2022
Proposed Amendments to the Greenbelt Plan ERO 019-6216	Refer to Appendix L **(Submitted)**	December 4, 2022
Ontario Underground Infrastructure Notification Act, 2012 ORR 22-MGCS022	**(No Submission)**	December 9, 2022
New Home Construction Licensing Act ORR 22-MGCS021	**(No Submission)**	December 9, 2022

While a number of postings with a commenting deadline of December 30 have been included above, responses to several have not been included in this report. The postings that have not been addressed above are listed below:

- Review of A Place to Grow and Provincial Policy Statement
- Proposed Revocation of the Parkway Belt West Plan
- Conserving Ontario's Natural Heritage

Strategy/process

Staff have worked expeditiously to deliver the attached comments and continue to work on the remaining consultations. A future report will deliver comments on the remaining postings.

Other Postings: 2031 Municipal Housing Targets Bulletin

In addition to the wide-ranging postings listed on the ERO and the Ontario Regulatory Registry (ORR) the Province introduced the concept of housing targets in a bulletin listed on the ERO as “2031 Municipal Housing Targets”. The notice is clear that the Bulletin has been posted for “informational purposes only” and that the Province is not seeking comments.

The bulletin establishes housing targets for 29 selected lower- and single tier municipalities in Southern Ontario and includes the requirement that each municipality establish a pledge that identifies tools and strategies they intend to use to achieve their housing target. More details about the nature of the targets are required. As part of the Region of Halton’s municipal comprehensive review work, the Land Needs Assessment (LNA) identified that in the period from 2021 to 2031, an additional 11,342 units will be needed to accommodate Burlington’s share of population growth. The LNA study work included detailed study and analysis informed by a Provincially-mandated land needs assessment methodology and the allocation of 1.1 million people by 2051 to Halton Region as set out by the Province.

Through this bulletin the Provincial government has assigned a target of 29,000 residential units by 2032. This pledge figure to 2032 does not align with the recent Minister Decision on ROPA 49, nor is it supported by any data. Although not specifically identified as an item for consultation the City requires additional supporting information related to the basis of this assigned target. In addition, the City requests that municipalities and the Provincial government work collaboratively to identify additional tools, resources and appropriate funding from the Province in light of the significant changes proposed in Bill 23 that substantially limit the ability of municipalities to generate revenue to support development and growth of complete communities. Municipalities will require significant support from the Province in order to find locally appropriate, innovative ways to make progress on their respective pledges.

Options Considered

Not applicable.

Financial Matters:

The changes proposed in Bill 23, namely those impacting development charges, parkland dedication fees (including land conveyance) and community benefits charges, will have significant and broad sweeping detrimental consequences to municipal finances. These have been captured at a high level within our submission to ERO 019-6172 attached as Appendix C to this report and previous Council report CS-12-22. At this time, it is difficult to quantify the impact in dollars terms as the Bill proposes a number of changes, many of which are yet to be defined and will vary based on type, and location of future development. Staff will continue to review the proposed changes contained in Bill 23 and will outline further financial impacts as more information becomes available.

Total Financial Impact

Not applicable.

Source of Funding

Not applicable.

Other Resource Impacts

The long-term impacts of the proposals will require significant staff resources in order to respond and adapt to the wide-ranging changes proposed related to Bill 109, Bill 23 and related postings regarding the Housing Supply Action Plan 3.0.

Climate Implications

On April 23, 2019, Burlington's City Council unanimously passed a motion to declare a climate emergency. Broadly, the City has set out frameworks to provide for innovative solutions and opportunities to address local housing issues while making better use of existing infrastructure and services. This will be done through the provision of additional residential units and directing new housing options in locations designated for intensification, such as Major Transit Station Areas.

In accordance with the Growth Plan for the Greater Golden Horseshoe, planning in Burlington must have as a guiding principle the need to "integrate climate change considerations into planning and managing growth such as planning for more resilient communities and infrastructure – that are adaptive to the impacts of a changing climate and moving towards environmentally sustainable communities by incorporating approaches to reduce greenhouse gas emissions."

Engagement Matters:

Given the very tight timelines for the proposals reflected in the attachments, engagement was limited to City staff departments. As indicated in CS-12-22: Consultations on Bill 23 More Homes Built Faster, 2022 staff will be preparing a communications strategy to explain the changes proposed in *Bill 23, More Homes Built Faster Act, 2022* and the impact they will have on the City's planning process. There will be significant ongoing efforts required to communicate and engage with the community as the City responds and implements the changes in the legislation.

Conclusion:

The legislative amendments contained in Bill 23, which received Royal Assent on November 28th, amount to the most drastic changes to the land use planning process that Ontario has seen in decades. There will be considerable impacts on how Burlington plans and protects for appropriate development within the City while also streamlining the development review process in order to build more homes faster. While at the same time ensuring that other matters of provincial interest are maintained such as supporting employment and protecting the environment and cultural heritage. Overall, the changes in Bill 23 will require the City to make significant revisions to its land use planning process and will have substantial impacts on associated planning and financial outcomes.

Respectfully submitted,

Mark H. Simeoni
Director of Community Planning
905-335-7777, ext. 7556

Helen Walihura
Government Relations Manager
905-335-7777, ext. 7895

Joan Ford
Chief Financial Officer
905-335-7777, ext. 7652

Appendices:

A. Planning Act submission
B. Heritage Act submission
C. Planning Act and Development Charges Act submission
D. Conservation Authorities submission
E. Update on Ontario Wetland Evaluation System submission
F. Municipal Act – Municipal Rental Replacement By-Law submission
G. Proposed Amendments to the OLT Act (for reference)
H. Inclusionary Zoning submission
I. Natural Hazards submission
J. Additional Residential Units submission
K. Rent to Own submission
L. Greenbelt Plan submission

Notifications:

Honourable Doug Ford, Premier of Ontario,
Honourable Steve Clark, Minister of Municipal Affairs and Housing,
Natalie Pierre, MPP Burlington,
Effie Triantafilopoulos, MPP North-Burlington Oakville,
Honourable Parm Gill, Minister of Red Tape Reduction,
Mike Schreiner, Leader of the Ontario Green Party and MPP Guelph,
John Fraser, Interim Leader of the Ontario Liberal Party and MPP Ottawa South,
Peter Tabuns, Interim Leader Ontario NDP Party and MPP Toronto-Danforth,
Halton Region,
Town of Halton Hills,
Town of Oakville,
Town of Milton,
Association of Municipalities of Ontario, the Ontario Big City Mayors Caucus,
BILD Halton Chapter,
Burlington Chamber of Commerce,
Federation of Canadian Municipalities

Report Approval:

All reports are reviewed and/or approved by Department Director, the Chief Financial Officer and the Executive Director of Legal Services & Corporation Counsel.

289-983-0648
Mark.Simeoni@burlington.ca

November 24, 2022

Electronic Submission only

ATTENTION:
Honourable Steve Clark, MPP
Minister of Municipal Affairs
100 Strowger Boulevard, Suite 101
Brockville, ON K6V 5J9
Steve.Clark@pc.ola.org

RE: Proposed Planning Act and City of Toronto Act Changes (Schedules 9 and 1 of Bill 23 - the proposed More Homes Built Faster Act, 2022)

ERO Posting 019-6163

Background:

Environmental Registry posting 019-6163 proposes sweeping changes to Planning in Ontario with the stated intent of building more homes faster given that "too many people are struggling with the rising cost of living and with finding housing that meets their family's needs".

The City of Burlington is committed to supporting the creation of more housing and more diverse housing options. The City's new Official Plan approved with modifications by Halton Region in November 2020 and currently under appeal, supports opportunities for the accommodation of a wide range of housing options in Burlington. Further, Burlington recently completed a Housing Strategy that provides a roadmap for addressing local housing needs and increasing attainable housing options that meets the needs of all current and future residents at all stages of life and at all income levels. The Housing Strategy highlights the City's commitment to meeting resident's housing needs and the critical importance of partnership with other levels of government, the development community and residents.

The ERO posting lists the following 9 key elements of the proposal:

- Addressing the Missing Middle
- Higher Density Around Transit
- Streamlining Municipal Planning Responsibilities

- Third Party Appeals
- Public Meetings – Plans of Subdivision
- Site Plan – Exemption for Development up to 10 units, Architectural Details and Landscape Design
- Streamline Approval Process for Land Lease Communities (LLC)
- Facilitating Aggregate Applications
- Conservation Authorities

Please find attached the City of Burlington's comments and suggestions to support the achievement of real progress on the various elements of this extremely wide-ranging proposal.

High Level Feedback:

Given the wide-ranging nature of the proposals related to the Planning Act included within the Bill staff are concerned that not only are the cumulative impacts that these proposed changes difficult to understand, but also are concerned that it will be difficult to monitor the effect of changes in supporting the objective of more homes built faster. In addition, staff are concerned that the proposal has the potential to significantly undermine the matters of provincial interest prescribed in Section 2 of the Planning Act. All would agree that building more housing is a common goal and of critical importance but not at the expense of the matters of provincial interest enshrined through Planning practice in the interest of the public interest.

While not an exhaustive list of the concerns the following elements of the proposal will have the effect of compromising the city's ability to achieve its strategic goals

1. **Exclusion of the Community and disregard for public interest and future residents.** The changes proposed through Bill 23 will have the impact of significantly reducing the ability for the local planning context and the community's vision and input to make its way into the planning process. Combined with Bill 109, there will be a significant reduction in the time in which the community can be engaged on planning matters. Further, the change in approval authority for planning matters from the Halton Region to the Minister could contribute to a more opaque planning process – one that could easily be biased towards special interest groups with little room from transparaancy or accountability. Combined with the proposed changes to the CBC, DCs and Parkland Dedication legislation, these changes further erode the city's ability to deliver the critical elements of a complete community that align with the community vision.

2. **Protection of Public Health and Safety**- The Province and the City are committed to protecting life and property from natural hazards and the City works closely with many partners including Conservation Halton and the Region of Halton to ensure the health, safety and resiliency of our citizens and systems. The

Region of Halton provides coordination, expertise and oversight over many critical systems which ensure the health and safety of our public. Conservation Halton similarly provides the technical oversite and authority which protects life and property impacts due to natural hazards. Staff is concerned that the changes proposed could lead to a disorganized and poorly planned approach to our critical planning systems absent significant time and resources to ensure those critical functions and roles can be addressed. These changes also don't account for significant regional differences across the province. The City recognizes the importance of expediting planning approvals for residential development however, given the proposed volume of new homes, it remains imperative that applications be reviewed in the context of the whole planning system.

3. **Cost of Growth and Impact to the Community**. The proposed changes, when assessed together limit the city's ability to plan for, finance and construct the necessary infrastructure to support growth. The proposed changes represent a departure from the premise that growth should pay for growth and places the burden for that growth on the tax payer.

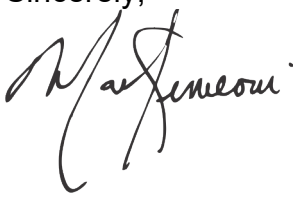
4. **Regional Coordination and Matters of Provincial Interest** - The Province and the City are committed to ensuring that the matters of Provincial Interest in Section 2 of the Planning Act are addressed through a systems based approach in planning for infrastructure, Natural Heritage, agriculture, employment and growth management, among others. Historically, Halton Region has shared in this commitment in overseeing the regional market area. Staff are concerned that the decoupling of regional land use planning from regional infrastructure planning could result in delays in the delivery of services including water/wastewater infrastructure, phasing and coordination of capacity allocation between local municipalities, which could have detrimental impacts on the timing and development of new homes and may lead to inequitable financing and capacity distribution.

5. **Removal of Planning Act Process for 10-unit (or less) development** - Staff is concerned that the exempting of developments with less than 10 units could be counter to the goal of building more homes fasters as it could lead to an increase in non-Planning Act applications which may have the impact of slowing down smaller development files, especially in light of the reduced timelines proposed under Bill 109 and the re-direction of resources to meet the time requirements or face penalties. Additionally, staff are concerned that the proposed changes may be indirectly incentivizing development at too low an intensity as it makes smaller scale development the path of least resistance.

Please accept this letter and its attachment as the City of Burlington submission on ERO posting 019-6163. Given the short period for consultation the attached comments have not been approved by City Council. This letter and its attachment will be shared with the

City's Committee's and Council at the earliest opportunity. Should Council determine any additional comments or refinements to the attached comments are required the Province will be advised at the earliest opportunity.

Sincerely,



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City of Burlington

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Theme: **Building More Homes** Contributor: MTSA Team on behalf of Community Planning, Site Engineering, Transportation, Forestry, Building Primary Associated ERO Postings (Deadline): **Proposed Planning Act and City of Toronto Act Changes (Schedules 9 and 1 of Bill 23 - the proposed More Homes Built Faster Act, 2022)** – ERO 019-6163 Nov 24			
Summary of Changes	**Staff Comments/Questions**	**Guiding Principle (see the Options considered section of the hyperlinked report)** (indicate support or concern)	**Approaches or alternatives for consideration**
Addressing the "Missing Middle" /enhancing the Additional Residential Units Framework -Allow up to 3 units per lot as of right in many existing residential areas. -Supersedes local OPs and zoning to automatically, province-wide to any parcel of land where residential uses are permitted in settlement areas with full municipal water and sewage services. -Prohibit municipalities from imposing DCs, Parkland Dedication or cash-in-lieu requirements, parkland dedication or cash-in-lieu requirements	**Comments** Staff generally support the idea of enhancing the framework to permit Additional Residential Units more broadly. Addressing the Missing Middle though the proposed Additional Residential Unit framework supports the City's goals of increasing housing options across the City. This is further supported though Burlington's Housing Strategy that provides a roadmap for addressing local housing needs and increasing attainable housing options that meet the needs of all current and future residents at all stages of life and at all income levels. Not only does the framework support the creation of new housing units in a unique and more affordable format, it also has the potential to generate better affordability for existing home owners by reducing costs and barriers to creating rental opportunities within their existing properties.	**More Homes Built Faster** This change is supporting the City's commitment to bolster the creation of more housing and delivery of housing options in alignment with Strategic direction 1 of the City's strategic plan.	It is critical to ensure that while removing barriers any future regulation must recognize the critical role of local Zoning regulations to guide development responsive to local planning and infrastructure context. Consider an amendment requiring the principle dwelling comply with parking requirements so as not to compound parking issues. Consider including a regulation that identifies that servicing and infrastructure capacity (including community infrastructure) is assumed to be sufficient but that servicing capacity is available on a first come first served basis. Consider an approach that permits more ARUs closer to transit.

-Prohibit municipalities from applying minimum unit sizes, requiring more than one parking space per unit in respect of any second unit in a primary building and any unit in an ancillary structure.			
Higher Density Around Transit -Require municipalities to implement "as-of-right" zoning for transit supportive densities in Major Transit Station Areas (MTSAS)/Protected Major Transit Station Areas (PMTSA) -Require municipalities to update their zoning by-laws to permit transit-supportive densities as-of-right within 1 year of MTSA or PMTSA approval; if zoning updates were not undertaken within the 1-year period, the usual protection from appeals to the Ontario Land Tribunal for PMTSAs would not apply.	**Comments:** Staff are supportive of the concept of locating high density communities around transit. This is supported by the creation of a strategic growth framework as established in Burlington's Official Plan (2020) and Burlington's Strategic Plan (Strategic direction 1, A City that Grows). Further, Burlington's Vision to Focus plan identified the need to complete area-specific planning for the MTSAs, work which has been under way since 2021. The City's new Official Plan was approved with modifications by Halton Region in November 2020 and is currently under appeal. Burlington's Official Plan (2020) supports opportunities for the accommodation of a wide range of housing options in Burlington and lays the foundation for the layering in of the area specific plans for the PMTSAs through the creation of a growth framework. This framework delicately directs substantial growth to key, strategic areas of the city. Unfortunately, the OLT process related to the appeals to the Official Plan (2020) has taken considerably longer than anticipated and has caused challenges for the advancement of the PMTSA ASP work. It is	**More Homes Faster** Despite the challenges facing the city's implementation of MTSA Area Specific Plans as a result of the Official Plan (2020) appeals, this change supports the city's objectives of locating growth around higher order transit. The City, through Strategic Direction 1 of the City's strategic plan has committed to achieving growth in mixed use nodes and corridors, including MTSAs and Urban centres to provide a range of diverse, dense and affordable housing that is transit supportive.	Suggest that the Province provide direction and clarity on how the proposed changes work alongside Community Planning Permit Systems and as-of-right zoning permissions in MTSA areas. This could serve to provide greater clarity to the development industry and expedite development application timelines. Consider supports that recognize the costs to municipalities to provide high-quality, durable and multi-purpose community amenities to support the more intense areas of Ontario's communities. Please see staff comments on ERO 019-6172 for more detailed comments around the financial implications of the proposed changes to city building initiatives.

	anticipated that a lengthy and multi-stage hearing process lays ahead. The on-going appeals process to the OLT continues to undermine the city's ability to approve housing not just within the PMTSA areas but across the city and is a significant contributor to delays in achieving more homes for the Burlington community. Despite the challenges with the OLT process for the Official Plan, staff remain concerned about how the supporting amenities such as parks, community amenities, office and other commercial uses intended to support new development will be achieved given the high cost of land and as of right zoning permissions proposed. Combined with reductions in the city's ability to collect parkland dedication/cash in lieu as well as development charges, the ability to deliver on the objectives of the Provincial Growth Plan of complete communities is severely diminished.. Staff support the creation of opportunities to achieve more homes being built faster but remain concerned about achieving complete communities in light of the proposed changes.		
Streamlining Municipal Planning Responsibilities -Remove the planning policy and approval responsibilities from certain upper-tier municipalities (upon proclamation at a future date). - Deem the Official Plans of these upper-tier	**Comments:** The Province and the City of Burlington are committed to ensuring that the matters of Provincial Interest in Section 2 of the Planning Act are addressed through the City's strategic directions and Official Plan policies. Historically, Halton Region has also shared in this commitment given the regional-level scale of many of the matters of provincial interest. Without a systems-level dedicated oversight, local interests may lead to	**Complete Communities** The City is committed to ensure that growth is responsive to the community vision and needs. The City relies on partnerships with the development community, municipal partners such as the Region, service providers and other levels of government to ensure the delivery of transit supportive complete communities to allow present and future	

municipalities to form an official plan of the relevant lower-tier municipality. - Enable these upper-tier municipalities to function as a commenting agency and remove appeal rights and party status. -Future regs would identify which OPs and OPAs would not require approval by the Minister -potential additional upper-tier municipalities in the future	varying approaches and priorities resulting in fragmented and disorderly planned communities. Staff are concerned that decoupling regional land use planning from regional infrastructure planning could result in delays and inefficiencies in the delivery of services including water/wastewater infrastructure, phasing and coordination of capacity allocation between local municipalities. These changes, as proposed, would have detrimental impacts on the timing and development of new homes and may be therefore contrary to the stated objectives of the province of building homes faster. Staff are further concerned about the lack of oversight around regional growth, including employment and population growth, monitoring, financing and planning for infrastructure to support that growth, should planning responsibilities be removed from upper tier governments. The City has had an excellent and iterative relationship with the Region on reviewing OPAs and ASPs through a Memorandum of Understanding to ensure that the local vision is accurately reflected in the Region's decision as the approval authority. We await the additional regulations that would identify which OPs and OPAs are exempt from Ministry approval and how the Ministry intends to ensure local vision and decision making is reflected in any ministry decision as the approval authority. The Region has spent a considerable time and resources completing their Municipal Comprehensive review through a phased approach. ROPA 50 is	residents to live, work, shop and play in the community.	

	currently underway to update the Regional Natural Heritage System and Rural and Agricultural system policies. Questions remain in association with these proposed changes as to how the remainder of the Regional Official Plan Review would be completed. Should that responsibility be handed to the City to complete the balance the City may be under resourced and may possibly not have access to the requisite professional expertise and support to do so.		
Third Party Appeals -Limit third party appeals for all planning matters -Appeal rights would be maintained for key participants (e.g., applicants, the Province, public bodies…), except where appeals have already been restricted (e.g., the Minister's decision on new official plan). -Limit on third-party appeals would apply to any matter that has been appealed but has not yet been scheduled for a hearing on the day the bill is introduced.	**Comments:** Staff are concerned with the proposal to limit most third party appeals for planning matters as it eliminates the right of appeal for parties and groups with legitimate interests and concerns, despite their ability to be engaged in the planning process. The City of Burlington remains committed to the creation of an engaged community. Residents in Burlington have come to expect that they will be informed and engaged on these matters through the various actions the City takes. Staff are concerned that the limiting of third-party appeals, regardless of the nature of the application, would limit resident's involvement at the OLT and dismisses many of the legitimate concerns of residents, many of which can be useful in positively shaping development applications. Further, not all planning applications are housing related and wholesale removal of appeal rights for third parties could lead to impacts on other matters of provincial or public interest including the protection of employment areas, land use compatibility concerns or rural or agricultural planning-related issues.	**Engaged Community** The proposed changes cause concern as it limits the ability for the public or other stakeholders to participate fully in the planning process. Staff are concerned that despite the objective of building homes faster, the blanket removal of third party appeals directly limits the role someone can play in advocating for themselves including on minor variance applications and non-housing related applications.	The City has experienced delays in scheduling even procedural hearings at the OLT. Staff note the critical importance of the commitment of resources to the OLT. Although the specific commitment is not set out in this proposal those additional resources are sorely needed and it is critical that the Province move forward expeditiously to support the objectives of this legislation and to target matters, such as Official Plans that support opportunities for the accommodation of a wide range of housing options.

	Staff understands that the government is proposing amendments to those changes to include limiting third party appeals for minor variance and consent applications only, whereas previously all planning applications were proposed. Staff is supportive of the change as it increases the ability for residents and other stakeholders to remain engaged in the planning process. Regarding city-initiated planning approvals, the elimination of third -party appeals could have positively impacted the city's ability to approve policies to support the creation of new homes. Currently, the City is nearing the end of its second year of the OLT appeals process to the new Official Plan (2020) with a multi-year, multi-stage process ahead which includes a number of appellants that could be classified as "third party". Hypothetically, the elimination of third party appeals could have contributed to a more streamlined process, bringing the plan into effect, thus unlocking significant housing opportunities.		
Public Meetings - Plans of Subdivision Remove the public meeting requirement for draft plans of subdivision.	**Comments:** Staff are concerned that the removal of the public meeting requirements for draft plans of subdivision compromises the engagement process and limits the opportunity for the community to provide meaningful and valuable input into the planning process, especially when combined with the provincial decision of ROPA 49 where significant residential development is now permitted in areas that were previously	**An Engaged Community** The City of Burlington is committed to engaging residents on issues that affect their lives and their city. The goal of community engagement is to lead to more informed and therefore, better decision-making, thereby making it critical that residents continue to be engaged in community planning and development applications in their neighbourhood. The City remains committed	

	exclusively designated for employment uses.	to engagement, and note that the proposed changes remove requirements for holding a public meeting, not requirements for giving notice, and do not preclude the city from hosting a public or information meeting in the future to continue to deliver the level of engagement that residents expect of the City.	
Site Plan – Exemption for Development up to 10 units, Architectural Details and Landscape Design a) Exempt all aspects of site plan control for residential development up to 10 units b) Limit the scope of site plan control by removing the ability for municipalities to regulate architectural details and landscape design and Sustainable Design details	**Comments** **a) Exemption of residential developments with up to 10 units** Staff are concerned about how matters such as site access, circulation, parking layout, accessible design will be considered for developments with 10 or less units in the absence of site plan control. Due to the nature of where smaller residential projects typically occur (infill in existing neighbourhoods) site plan review of such developments may be appropriate for ensuring compatibility between new and existing development. Staff note that exempting developments with less than 10 units (but not part of associated subdivision) could result in more non-Planning Act applications and could have the unintended effect of slowing down the pre-building permit process for such developments due to Bill 109 timeline pressures. Priority will likely be on site plan applications so that the City is not penalized under Bill 109. Furthermore, staff are concerned that the exemption could incentivize larger projects to be built at 10-unit or less increments in order to circumvent site plan requirements, which may result in unintentional cumulative impacts that City may not be able to assess	**More Homes Built Faster** The City is committed to providing more housing options that meet the needs of all residents. Staff are concerned that the proposed changes to the site plan review process may actually slow down the process for applications under 10 units and may lead to unintended consequences as development applications will not have the benefit of a number of key review processes.	Suggest that the province provide clarity on how these changes are considered in relation to the implementation of a Community Planning Permit System. Recommend that the province provide greater clarity around how landscaping fits in relation to the proposed changes. Section 41(7)(a)6 still allows municipality to, as a condition of approval, require the owner to "provide to the satisfaction of and at no expense to the municipality any or all of the following: …6. Walls, fences, hedges, trees, shrubs or other groundcover or facilities for the landscaping of the lands or the protection of the adjoining lands." Expand exemption in s.41(4.1)1.1 to allow consideration of matters relating to exterior access to any building, not just a building that will contain affordable housing.

	or mitigate. Also, it is possible that the proposed changes could incentivize new housing at too low an intensity, whereas higher intensity may be more appropriate in the long term. **b) Change in scope of review – external design, appearance no longer allowed.** Staff note that this change applies to all types of development, not just residential. This change significantly limits the City's ability to ensure that development contributes to a high-quality built environment, consistent with the City's Official Plan, sustainable development guidelines and urban design guidelines. This change appears to contradict the Province's stated interest in "the promotion of built form that is well-designed, encourages a sense of place, and provides for public spaces that are of high quality, safe, accessible, attractive and vibrant" and "the mitigation of greenhouse gas emissions and adaptation to a changing climate". **c) General comments (applies to both types of changes):** • Concern that these changes will apply to not just the urban area but everywhere in the city. • In light of the plan to generate substantial amounts of new housing, site plan review, urban design and sustainable design practices are more important than ever to ensure healthy, sustainable, attractive and liveable cities.		

Streamline Approval Process for Land Lease Communities (LLC) Allow LLCs to be approved through site plan control instead of plan of subdivision so that they can leverage a maximum lease period of up to 49 years (from 21 years) without a land division approval).	**Comments:** • More clarity is needed on when site plan process is required for land lease communities. • Similar concerns as proposed changes to type of development subject to site plan control.	**More Homes Built Faster** Without further detail, staff are unclear as to how these proposed changes impact the city's objectives. Staff are supportive of measures that make housing in a variety of forms more accessible. One of the identified actions of Burlington's Housing Strategy centers around the use of underutilized properties to create affordable housing opportunities including land lease communities.	Provide additional clarity and direction through future regulations.
Facilitating Aggregate Applications Changes are proposed to remove the "2-year timeout" period for applications to amend new official plans, secondary plans and zoning by-laws in respect of mineral aggregate operations. Currently, the Act sets a 2-year period when changes to new official plans, secondary plans and new comprehensive zoning by-laws are not permitted, unless these changes are municipally supported.	**Comments:** While originally proposed to apply only to aggregate operations, Staff understands that the government is proposing amendments to the proposed aggregate-only exemption to remove the 2-year time out period provision entirely for all applications. Staff are concerned about the removal of the 2-year time out period as it does not allow municipalities to get frameworks implemented before requests for changes are made. This further erodes the public processes that support the creation of these frameworks if they are permitted to be amended so soon.	**An Engaged Community, More Homes Built Faster & Complete Communities** Staff have concerns that the proposed changes will undermine the ability for the city to start to implement the community's vision for our city, should amendments be permitted immediately after approved changes. This will create further process and add time and complication to getting new homes built.	
Conservation Authorities	This is addressed through staff's comments on ERO Posting ERO 019- 6141.		

Changes are proposed to re-enact provisions that are not yet in force but would limit conservation authority (CA) appeals of land use planning decisions. CAs would continue to be able to appeal matters where they are the applicant. When acting as a public body, CAs would only be able to appeal with respect to matters related to natural hazard policies in provincial policy statements. Changes are also proposed to broaden the ability of CAs to use an existing streamlined process to sever and dispose of land. Both of these changes are proposed to take effect January 1, 2023.	

289-983-0648
Mark.Simeoni@burlington.ca

November 24, 2022

Electronic Submission only

ATT: Paula Kulpa
Heritage Branch, Ministry of Citizenship and Multiculturalism
400 University Avenue, 5th Floor
Toronto, ON
M7A 2R9
Canada

RE: **Changes to the Ontario Heritage Act and its regulations: Bill 23 (Schedule 6) - the Proposed More Homes Built Faster Act, 2022 –**
ERO 019-6196

Please accept this letter and its attachment as the City of Burlington submission on ERO Posting 019-6196. Given the short period for consultation the attached comments have not been approved by City Council. This letter and its attachment will be shared with the City's Committee's and Council at the earliest opportunity. Should Council determine any additional comments or refinements to the attached comments are required the Province will be advised at the earliest opportunity.

Sincerely,

Mark H. Simeoni, MCIP,RPP
Director of Community Planning
Community Planning Department
City of Burlington

Theme: Streamlining Development Approvals Contributor: Community Planning Primary Associated ERO Postings: **Proposed Changes to the Ontario Heritage Act and its regulations: Bill 23 (Schedule 6) - the Proposed More Homes Built Faster Act, 2022 –** ERO 019-6196			
Summary of Changes	**Staff Comments/Questions**	**Guiding Principle (see the Options considered section of the hyperlinked report)** (indicate support or concern)	**Approaches or alternatives for consideration**
#1 - Municipalities will not be permitted to issue a notice of intention to designate a property under Part IV of the *Ontario Heritage Act* unless the property is already on the heritage register at the time the application is deemed complete, which can be as early as 30 days after submission. #2 - Heritage registers to be reviewed and a decision made whether listed properties are to be designated within 2 years, and if not, removed from the register for at least 5 years	#1 - This places strict limits on Burlington's ability to heritage designate properties that are not on the heritage register and are subject to a development application*. A municipality has only 30 days to deem an application for an OPA, ZBA or SPA "complete", so for a property not yet on the Heritage Register, Burlington will only have a month to consult its heritage committee and deliver a recommendation to Council. This is not enough time to study a property and will result in some candidates for heritage designation being demolished. *Official Plan policy 8.4.1(b) enables Burlington to ask for a heritage impact study for a property "worthy of designation", if an HIS were required as condition of submission.	**Complete Communities** Cultural resources are central to building a vibrant, livable and unique community. They have the ability to boost economic development and tourism by making destinations for visitors and local residents and are linked to other aspects of the city's overall health, including the environment. Cultural heritage resources are located throughout the city and many are privately owned. These resources provide physical and cultural links to the identity of the city, create a sense of civic pride, and contribute to the quality of life and enjoyment of the city by residents and visitors alike. The conservation of cultural heritage resources also contributes to the overall sustainability of the city.	• Allowing municipalities to require the submission of certain materials (i.e. heritage impact study) as part of a pre-consultation submission, would allow the municipality time to determine whether or not the property is worthy of protection, prior to a development application being submitted. • The proposed legislation requires heritage registers to be reviewed within 2 years, which does not provide sufficient time for municipalities to complete the review of all properties. As an example, the City of Burlington would need to assess over 200 properties within the timeframe which would be very difficult. The provision of additional time beyond 2 years would be very beneficial and would allow municipalities time to complete this work in an orderly and thorough manner. • Under the proposed legislation, once a property has been removed from the heritage register, it cannot

#3 - A process is proposed which will allow Heritage Conservation District Plans to be amended or repealed #4 - Criteria for Heritage Conservation District Plans can be established for regulation #5 **Non-designated properties to be automatically removed from the Heritage Register if a municipality withdraws a notice of intention to designate, does not pass a designation bylaw in time or repeals a designation bylaw.**	# 2 - Requiring municipalities to review and designate all non-designated properties on the Heritage Register within 2 years or else remove them from the Heritage Register on a long term basis presents a difficult binary choice to municipalities: • City Council must choose to remove most or all non-designated heritage properties from their Heritage Registers and leave them unprotected for a significant period of time contrary to the Provincial Policy Statement, 2020 and Official Plan requiring that significant built heritage resources be protected • Incur major financial and staff resource costs to study all non-designated properties on their Heritage Register for possible designation, culminating in a large decision-making burden for Council. Further, if a City Council initiates a campaign of continuous heritage designations over two years or an omnibus heritage designation bylaw of multiple properties at the end of a two-year study, it will face numerous Ontario Land Tribunal appeals that could monopolize heritage staff time for months or years. Although Burlington has a relatively small heritage register, it has 207 "grade A" non-designated heritage properties including	Planning staff are concerned that this legislation, specifically the requirement to force designate or remove properties from the heritage register, will erode the cultural heritage resources within the City and negatively impact the vibrancy, livability and uniqueness of the City. **Matters of Provincial Interest** The Planning Act sets out that the conservation of features of significant architectural, cultural, historical, archaeological, or scientific interest is a provincial interest. This is reinforced through the Provincial Policy Statement which sets out that "Long-term economic prosperity should be supported by: e) encouraging a sense of place, by promoting well-designed built form and cultural planning, and by conserving features that help define character, including built heritage resources and cultural heritage landscapes." Further, the PPS sets out that "Significant built heritage resources and significant cultural heritage landscapes shall be conserved."	be added back for a period of 5 years. Shortening this time frame to 2 years would maintain the intent of the legislation but provide for an increased level of protection, should circumstances evolve or change. • Requiring municipalities to make a decision on whether listed properties are to be designated or removed from the register will have unintended consequences and potentially put cultural heritage resources at risk. An alternative approach could be to require municipalities to review their heritage register at defined intervals and assess each property using specific criteria to determine whether the property should remain on the register, be removed from the register or be designated. This process would also allow for public engagement to ensure that community voices have the opportunity to participate in this process.

	eleven significant churches, seven pioneer or historic cemeteries, five schools and Burlington's oldest home the Stewart-Spence house built in 1832. Studying all properties, or a subset, forces a potentially ugly confrontation between City Council and numerous property owners over the issue of "imposed" heritage designation. The City of Burlington has historically incentivized designation through negotiation and generous financial supports. This is the approach promoted in the new Official Plan, 2020, in which the City is supposed to encourage and support private stewardship of the City's cultural heritage resources. Burlington has implemented this incentives-first approach with its heritage grant program and the popular heritage tax rebate program. The ability to list properties on the Heritage Register enables Burlington to negotiate with owners for voluntary conservation at an appropriate time- when the property is being redeveloped or a demolition is proposed. The brief timeline proposed under this legislation does not create any time for these negotiations, which will likely take place under high pressure at Council meetings. Multiple high-profile, landmark heritage sites are threatened by this legislative change. #3 – This change will have minimal impact and is a positive change that will clarify the criteria	Planning staff are concerned that this legislation, specifically the requirement to force designate or remove properties from the heritage register, will not advance the provincial interest of conserving significant architectural, cultural, historical features and will likely have the opposite effect. This legislation could result in historic properties, that are valued by their local communities, being threatened or lost.	

	an area must meet to qualify as a Heritage Conservation District. #4 - This has minimal impact and is a positive change that will creates a pathway for a municipality to revise its heritage conservation district bylaws. #5 This change introduces too much finality to Council's decision not to pursue heritage designation, since a property will have to be automatically removed from the register and cannot be added back for 5 years. This impacts the municipality's ability to monitor the property and pursue conservation if there is a new owner or council. For example, in 2012, a previous Council chose to repeal the heritage designation of a property in the City, because the owner argued it created financial hardship for them. The property was then removed from the register, but not demolished. It was sold to new owners who wish to redevelop. The development site may have enough land that the house could be integrated into a larger development and converted to a multi-unit building, however because the property is not on the heritage register, staff would have very limited negotiating power. The owner could demolish the property with no notice to the City.		

289-983-0648

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November 24, 2022

Electronic Submission Only

ATT: Ministry of Municipal Affairs and Housing
777 Bay St., Toronto,
Ontario, M5G 2G2

RE: **Proposed changes to the Planning Act and Development Charges Act, 1997 to provide greater cost certainty for municipal development-related charges.**

Environmental Registry of Ontario Number: 019-6172

Background:
Schedule 3 of Bill 23, *More Homes Faster Act*,*2022,* proposes a number of changes to the *Development Charges Act, 1997* in order to provide greater cost certainty for municipal development related charges.

Comments:
Please find attached, the City of Burlington's staff comments related to the proposed changes to the Development Charges Act, 1997 (DCA).

The significant changes proposed to the Development Charges Act, 1997, substantially limit the ability of municipalities to generate the revenue needed to support the development and growth of complete communities. Municipalities and the Provincial government will need to work collaboratively to identify additional tools, resources and appropriate funding sources to address this gap.

There is no evidence to suggest that reducing development related fees improves housing affordability. The reduction in revenue that supports growth related infrastructure will rather, increase the burden on existing taxpayers resulting in increases to the cost of housing ownership and subsequently housing affordability. The proposed changes to the Planning Act will result in the City's Park provisioning levels to drop considerably.

The proposed definition of Affordable residential units (both ownership and rental) in the DCA relies solely on market conditions to determine affordability and not household income. This disconnects housing affordability from the real incomes of Ontarians and will result in the exclusion of low and middle income residents from ownership and rental markets. Consider using the definition in the Provincial Policy Statement (PPS) for consistency across municipalities and clarity across policy frameworks. This will ensure that household income informs the definition of what is truly affordable for residents.

The reduction of development related fees historically shouldered by the for-profit housing sector will result in significant impacts to the funding of municipal services, in the absence of other funding sources such as funding support from the Provincial government, the cost must then be

passed on to tax-payers, increasing their cost of living. Municipalities will require significant support from the Province in order to find locally appropriate, innovative ways to build more homes faster, that are affordable and attainable for Burlington's residents.

Next Steps:

Please accept this letter and its attachment as the City of Burlington submission on ERO posting Number 019-6172. Given the short period for consultation the attached comments have not been approved by City Council. This letter and its attachment will be shared with the City's Committee's and Council at the earliest opportunity. Should Council determine any additional comments or refinements to the attached comments are required the Province will be advised at the earliest opportunity.

Sincerely,

Joan Ford

Joan Ford

City of Burlington

Theme: Reducing costs, fees and taxes

Proposed Planning Act and Development Charges Act, 1997 Changes: Providing Greater Cost Certainty for Municipal Development-related Charges – ERO 019-6172

Consultation	City of Burlington Comments	Guiding Principles
To reduce the cost of building homes, the government is proposing changes to the **Planning Act** and the *Development Charges Act, 1997* through Bill 23, More Homes Built Faster Act, 2022 introduced in support of Ontario's More Homes Built Faster: Ontario's Housing Supply Action Plan: 2022-2023. Deadline for comments: **November 24, 2022**	**Provide greater cost certainty of parkland costs to enable housing developments to proceed more quickly** - The change to the maximum alternative rates results in significantly lower revenue potential to the city to support vital parks and recreational infrastructure. - Reduced sizes of new parks or limited number of new parks will result in increased pressure on existing park systems given greater intensification in Burlington, this creates an inequity of current and future users of the parks systems. - Creates an issue as new parks will be constructed years after new homes are built because of reduced and deferred funding. - There is an impact to the development of timely parks infrastructure to support growth as the revenue will not be available to support infrastructure as needed. The city will need to rely on alternate funding sources such as the tax base and/ or debt financing to meet capital costs of these growth projects which is contrary to the principle of growth pays for growth. - Reduced parkland revenue further restricts the city's limited funding thereby, impacting existing assets, as well as new infrastructure needs. - Greater understanding is required to determine how certainty in parkland revenue for developers will lead to the increased development of affordable housing as opposed to an increase in developer profits. - There is no evidence to suggest reducing development related fees improves housing affordability. The reduction in capital funding to address growth related projects will increase the burden on existing taxpayers which itself reduces housing affordability. **Support more efficient use of land and provide for more parks quickly** - The proposal doesn't ensure appropriate use of the "right" land required for park development. Though it allocates land, it does not presume efficient land that is usable and meets the increased density in the area.	**Growth Pays for Growth** **Financial Impact on Municipalities** **Creation of Complete Communities** **Creation of Complete Communities**

	- Creates an issue as new parks will be constructed years after new homes are built because of reduced and deferred funding. - The type of public space/parkland being conveyed to the City will be reduced in size or too small to be considered a public park. - New parkland can be encumbered limiting design and quality of public spaces. Parks on encumbered land will be closed more often to repair underground infrastructure. - The City's Park provisioning level will drop considerably. There will be very few new parks being built. Residents living in high intensification areas do not have backyards and will be forced to travel much longer distances to access a public park for recreational purposes. - Applicants will have the ability to identify what lands shall be conveyed to the City, so long as they meet criteria to be established in regulations, without the City being able to refuse to accept it. Particularly without the benefit of knowing what those criteria will be, it is very concerning that the City will be compelled to accept land that it does not want and could impose significant liability and costs on the City to maintain the identified land. **Build transparency and other measures to support the faster acquisition of more parks** - A single parcel of parkland is expensive, the requirement to spend and/ or allocate 60% of parkland reserve each year doesn't allow to build reserve funds for high value single land transactions. - The proposed reduced revenues to parkland will only reduce the ability to develop and acquire parks contrary to the proposal indicating the faster acquisition of parks. - If 60% of parkland reserves are to be **spent** each year, all expenditures will be forced to be put towards asset renewal as this does not allow time to accrue adequate funding to buy land. - If 60% of parkland reserves are to be **allocated** each year, it will take many years to accrue adequate funding to acquire any parkland given the high cost of real-estate **Set maximum interest rate for DC freeze and deferral (prime + 1 per cent)** - No additional comment, the City's current interest rate does not exceed this maximum **Reduce development costs to enable more housing to be built faster & Increase transparency and accountability in the use of development charges funds**	**Creation of Complete Communities** **Growth Pays for Growth** **Growth Pays for Growth** **Financial Impact on Municipalities**

	- The proposed phase-in of development charges, and a by-law update every 10 years defers and simultaneously reduces collection of DC revenue. This creates a funding gap between DC collection and timing of capital works. Furthermore, this scenario would result in an immediate reduction to the City of Burlington's DC rate that is less than our 2019 bylaw with statutory indexing. Therefore, not adequately capturing increases in capital costs of growth projects between study updates, nor considering indexing for recent construction market escalations. This further exacerbates the city's ability to fund the cost of growth infrastructure. - The Bill proposes to remove the cost of land for certain services (yet to be defined). Land represents a significant cost for some municipalities in the purchase of property to provide services to new residents (e.g. roads, fire stations, community centres, libraries.). This is a cost required due to growth and should be funded by new development. - The delay/ reduction in collection of DCs will defer capital projects as the required financing will take longer to materialize, otherwise the city will need to look to alternate funding sources such as the tax base and debt financing. This causes an inequity between current and future residents of Burlington, and contrary to the principle of growth pays for growth. - Reductions in DC revenues do not meet the goal of increasing housing supply it only serves to delay the timing of key infrastructure to support growth - There will be increased pressure on the existing property tax base to supplement the capital costs of growth projects that are not being recovered from DCs/ CBC/ PD, thereby contrary to the principle of growth pays for growth - The City makes every effort to spend/ allocate reserve fund dollars to expedite growth related projects and ensure that growth funding is assigned as required to infrastructure that is in support of growth. The City does not have an excessive reserve fund balance and as such these proposed changes reducing revenue will further defer the city's growth projects. - Greater understanding is required to determine how reduction in development charges revenue for developers will lead to the increased development of affordable housing as opposed to an increase in developer profits. - There is no evidence to suggest reducing development related fees improves housing affordability. The reduction in capital funding to address growth related projects will increase the burden on existing taxpayers which itself reduces housing affordability. - Studies are required to establish when, where and how a municipality will grow. Growth related studies should continue to be funded by growth and not shouldered by the taxpayers. - The significant changes proposed to the DCA substantially limit the ability of municipalities to generate the revenue needed to support the development and growth of complete communities. Consider	**Creation of Complete Communities** **More Homes Faster**

	providing grants, subsidies, and other funding measures to compensate for the lost revenue to address this gap. - Consider monitoring how many housing providers elect to build affordable, attainable, non-profit and IZ units to determine if this exemption is effective in incentivizing the delivery of these unit types. **Encourage the supply of rental housing** - Rental stream exemptions thresholds are defined by a new bulletin, more information/ clarification is required to discern the impact of this proposed legislation. - Exemption of these rental units adds further loss of revenue and increased burden onto infrastructure such as water/wastewater and also other services such as transit and active transportation - Consider monitoring the uptake on rental housing that qualifies for exemption and subsidize with grants and other sources of funding to ensure service levels are maintained. **Encourage the supply of affordable housing** - More information is required around the Bulletin and how it will determine AMR and average purchase price. How often the bulletin will be updated, what data sources will be used and whether it will be based on geographic locations, unit type and number of bedrooms. - Is there sufficient evidence to demonstrate that exemptions provided with respect to DC/CBC/PD is enough to incentivize affordable rental and ownership housing, this will be largely dependant on location as housing prices/ land values vary by geographical locations thereby affordability itself will vary by region. - What is the rationale for using “80% of AMR” and “80% of average purchase price” to define affordability? The PPS currently uses household income as a metric for determining affordability. - Consider using the definition in the PPS for consistency and clarity across policy frameworks. This will ensure that household income informs the definition of affordable. - Disconnecting the definition of affordable and attainable from the household income of Ontarians and relying on the market to define affordable and attainable will result in a further disconnection of housing affordability from real incomes. - How do these new definitions ensure that moderate and low-income decile households are considered when defining what is affordable?	**Growth Pays for Growth** **More Homes Faster**

	- Within the City's DC bylaw is the exemption of non-profit housing developments, however this exemption would now extend into CBC, and PD. Exemption of any kind increases pressure on the city property tax base for cost recovery of capital projects - Need more clarity around the aspects of affordability and how to keep these units affordable for 25 years, and what are the ramifications if they are not, will the exempted fees apply? - An agreement does not appear to be required for affordable/attainable residential units exempt from payment of a C.B.C. Agreements should be allowed to include the C.B.C. so that if a municipality needs to enforce the provisions of an agreement, both development charges and C.B.C.s could be collected accordingly. - These newly exempted affordable, attainable and IZ units will require municipalities to enter into agreements to ensure that these units remain affordable and attainable for up to a maximum of 25 years. This will introduce a new administrative burden and will be cumbersome and will need to be monitored. **Gentle Density** - no comment, as a result of moving the exemptions directly into the Act from regulations **Encourage the supply of attainable housing** - An attainable unit excludes affordable and rental units however it has not been defined in the DCA. Given that the intent of this exemption is unknown there is no way to quantify the impact however it could be significant. - Is there sufficient evidence to demonstrate that exemptions provided with respect to DC/CBC/PD is enough to incentivize attainable housing, this will be largely dependant on location as housing prices/ land values vary by geographical locations - Why is rental not included in the definition of attainable?	**More Homes Faster** **Growth Pays for Growth**

289-983-0648

Mark.Simeoni@burlington.ca

November 24, 2022

Electronic Submission only

ATT: Public Input Coordinator
Ministry of Natural Resources and Forestry
Resource Planning and Development Policy Branch
300 Water Street, 6th Floor, South Tower
Peterborough, ON K9J 8M5

RE: Legislative and regulatory proposals affecting conservation authorities to support the Housing Supply Action Plan 3.0
ERO Posting 019-6141

Background:

Through proposed modifications to Sections 21 & 28 of the *Conservation Authorities Act (CAA)*, Conservation Authorities in Ontario will no longer be able to provide a municipal program or service related to the commenting on applications under *prescribed acts.* These *prescribed acts* include, but are not limited to, *the Planning Act, the Niagara Escarpment Planning and Development Act, and the Aggregate Resources Act.* While these modifications preclude Conservation Authorities from providing comment related to municipal services for proposals under the *Planning Act*, services related to the risk of natural hazards are still listed as a mandatory program. As a result, it is expected that Conservation Authorities will continue to advise on development applications, under the prescribed Acts, as it relates to their listed mandatory services. O.Reg 687/21 currently defines mandatory programs and services as they are listed in S. 21.1 of the *CAA*, which does not include items such as wetlands or valleylands despite being conservation authority regulated features per S. 28 of the *CAA.*

Permitting requirements under the *CAA* have been altered, and a process for potential exemption from *CAA* permitting has been proposed. S. 28.1 (1) (a) of the *CAA* has been altered to remove a conservation authority's ability to consider impacts related to *pollution* or the *conservation of land* in review of proposed activities prohibited by S. 28. The language has been further clarified to include the ability to consider impacts to unstable soil or bedrock. Additionally, S. 28 has been updated to include the ability to exempt proposed development from requiring a permit under the *CAA* if a *Planning Act* approval has been given in relation to the proposed project and where prescribed conditions and restrictions are satisfied. Such conditions and restrictions are not described within the legislative changes of Bill 23, rather they will be considered as part of a future *Regulation.*

Conservation Authorities will be required to issue permits for activities prohibited by S. 28 of the *CAA* where projects are subject to an infrastructure and housing accelerator order

under S. 34.1 of the *Planning Act* and would permit the Minister of MNRF to amend any condition applied to such permits. Further, for permits required for projects that are part of a Minister's Zoning Order under Section 34.1 or 47 of the *Planning Act*, is it proposed that the Minister of MNRF would have an expanded ability to prescribe limits on conditions applied to such *CAA* permits and would now be able to permit development to begin where an ecological compensation agreement is required but not yet complete.

In addition to the proposed changes to CA's permitting and *planning act* roles, Bill 23 also seeks to 'freeze' conservation authority fees at current (2022/2023) levels and require that CAs inventory their land holdings and identify properties that could reasonably support housing.

Comments:

The changes to the role of conservation authorities proposed through Bill 23 represents a significant change to the planning and development review process in Ontario and signifies a different direction to the delivery of municipal programs and services than that which was provided in 2021 through *Bill 229, Protect, Support and Recover from COVID-19 Act* and the associated regulations. As a result of proposed Bill 23, municipalities in Halton Region will no longer be able to rely on some of the valuable services in the development review process that have previously been undertaken in partnership with Conservation Halton (CH) and Halton Region. Currently, the City of Burlington is party to a Memorandum of Understanding (MoU) for the provision of planning services, focused on ecological review, between the Region and CH. As a result of Bill 229, this MoU was set to be updated as required by *O.Reg 687/21* and an additional MoU for watershed services was being developed. Given the proposed prohibition on CAs commenting on municipal services for applications un the *Planning Act*, it can be reasonably assumed that these responsibilities will now fall solely to the municipalities. The following impacts on municipalities as a result of these changes and potential means of mitigating those impacts should be considered:

- Reduced access to technical expertise residing at conservation authorities in the development review process including, but not limited to ecology, hydrogeology, hydrology, hydraulic modelling.
- Delivery of Halton Region 'one-study' approach to Environmental Impact Assessments (or equivalent).
- Study duplication as a result of the inability to effectively coordinate *planning act* approvals and *CAA* permits.
- Potential for an increase to municipal tax levy if CAs cannot achieve full cost recovery of mandatory services due to the proposed freezing of fee schedules.
- Diminished oversight of the impacts to the natural environment and water resources where a development is exempt from a *CAA* permit, or where development is authorized by a MZO.
- Impacts of pollution on key natural features and hydrologic features will become limited to municipal boundaries rather than utilizing a watershed approach.

- Increase in cost of servicing conservation lands if identiified for housing redevelopment.

The City of Burlington remains supportive of changes to the legislation that will aid in ensuring the issue of housing availability is addressed while balancing the protection of the natural environment for future generations. The City is committed to a systems-based approach to natural heritage planning that utilizes a science-based approach to understanding the impacts on natural systems that may be realized as a result of proposed development. The citizens that the City represents rely on the health of these systems for clean water, clean air, and other social and cultural benefits. The City relies on the health and resiliency of these systems to augment traditional infrastructure, guard against natural hazards, and to maintain the overall well-being of the citizens of the City of Burlington.

The impacts being felt locally, and globally, as a result of climate change cannot be understated. A healthy and functional natural heritage system represents the pre-eminent tool in adapting to these impacts and ensuring resiliency into the future. The health and function of these systems have traditionally been addressed through a partnership of municipalities, public bodies, non-governmental agencies, and private developers working together on a common path. Bill 23's proposed changes to the role of conservation authorities in protecting the natural environment represents a threat to the ability of the City to ensure the resiliency and future health of its natural heritage system. The City, in partnership with the Region of Halton and Conservation Halton, have moved towards an integrated *one-study* approach to natural heritage planning within the development review process. The changes to the *Conservation Authorities Act*, coupled with further proposed changes to the Ontario Wetland Evaluation System (OWES) and proposed ecological offsetting criteria is likely to result in an overall future loss of natural heritage in the City, particuarly within the urban area. These changes may also introduce more uncertainty into the development review process as municipalities take on more responsibility without the benefit of effective communitications with a regulatory authority. Like many GTA municipalities, the natural heritage system within the urban area of the City has been degraded as a result of historical urbanization. It is more important than ever for the City to ensure the best tools and partnerships are able to be leveraged to ensure the health and resiliency of the City's natural heritage system.

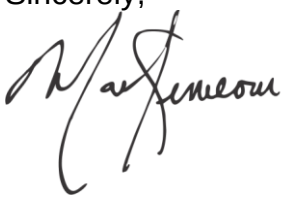
Next Steps:

The City of Burlington remains supportive of the previous changes to the *CAA* and the accompanying Regulations that formed part of Bill 229: *Protect, Support and Recover from COVID-19 Act*. Those changes ensured that conservation authorities core services were appropriately defined (Category 1 services), and also set out the requirements that would need to be in place if a municipality sought certain programs or services from CAs beyond those mandatory services (Category 2 & 3 services). The City utilizes this flexibility to work in partnership with Conservation Halton and the Region of Halton through an established MoU for defined planning services. This has resulted in a more streamlined review of environmental impacts and natural hazards while also providing

more clarity and consitency in required submission materials. It is the City's position that the diminishment of the role of CAs within the development and permitting processes will result in a prolonged pre-application process as well as the duplication of studies and requirements borne out of restrictions placed on CAs participation in applications under *prescribed Acts.* The City it respectfully requesting the Province reconsider continuing the direction that was prescribed through Bill 229.

Please accept this letter and its attachment as the City of Burlington submission on ERO Posting 019-6141. Given the short period for consultation the attached comments have not been approved by City Council. This letter and its attachement will be shared with the City's Committee's and Council at the earliest opportunity. Should Council determine any additional comments or refinements to the attached comments are required the Province will be advised at the earliest opportunity.

Sincerely,



Mark H. Simeoni, MCIP,RPP
Director of Community Planning
Community Planning Department
City of Burlington

Theme: Streamlining Development Approvals Contributor: Policy and Community Primary Associated ERO Postings: **Legislative and regulatory proposals affecting conservation authorities to support the Housing Supply Action Plan 3.0** – ERO 019-6141 Schedule 2.			
Summary of Changes	**Staff Comments/Questions**	**Guiding Principle (**indicate support or concern)	**Approaches or Alternatives for Consideration**
Conservation Authorities (CAs) restricted from commenting on applications under *prescribed Acts* for matters outside their core mandate (Category 1 Services)	• This undoes the direction provided by the Province through Bill 229 and the associated O.Regs (686/21 & 687/22). • Taken with the proposed changes to the Regulations proposed by ERO # 019-2927 this may result in duplication of studies and plans at the pre-consultation stage if CAs cannot comment on *Planning Act* applications outside matters related to Category 1 services. • Further, Section 21 of the *CAA* does not include *wetlands*, yet Section 28 keeps *wetlands* within the regulatory purview of CAs. This is likely to result in differing requirements under	**Environment, Urban Design and Climate Change –** concern CAs provide important technical expertise relating to environmental protection and climate change adaptation/mitigation that will no longer be part of the development process. **Public Health and Safety –** concern Municipalities may have to take on responsibilities and liabilities for development and compliance in hazard areas. **Matters of Provincial Interest –** concern	• clarify or formally delegate permitting requirements for development on or in hazards, and that the CAs are permitted to comment on *Planning Act* applications for all S.28 items (hazards, wetlands, valleylands) • The MoU direction for Category 2 Services established through Bill 229 and associated O.Regs. should be continued and the proposed wording changes related to CAs involvement in applications under *prescribed Acts* should be abandoned. This would keep municipalities on track with the progress on applicable MoUs that have been in the works since the passing of Bill 229 which was aimed at ensuring municipalities would have more flexibility in the services they obtained from CAs.

	the *CAA* and *Planning Act* for the assessment of wetlands. • Municipalities would require additional Staff to fill in the technical gaps in application review (ecology, hydrology, modelling). • Section 28 (1) of the *CAA* still lists hazard lands, wetlands, rivers/valleys, shoreline as items under the CA's purview *as they relate to development.* These proposed changes seem more geared to prohibiting communication and collaboration between municipalities and CAs. • The delivery of the Region of Halton's '1-study' approach to EIAs would be impacted, as would the delivery of Category 2 Services under the MoU for planning services and watershed services between the Region and CH of which all Halton municipalities are party to.	Impact to ability and cost for municipalities to deliver on a number of listed matters of Provincial Interest.	
Ability to exempt requirements for CA permits where approvals under a *prescribed Act* has been given.	• Certain conditions would need to be met to exempt applicants from CA permitting requirements	**Financial Impacts on Municipalities –** concern If the changes result in additional risks being born by	• If this direction is being pursued, it is suggested that a Letter of Clearance from the CA be a condition of exemption so that municipalities are not taking on

	(Section 28). It is unclear what these conditions will be. • If conditions are too lenient this could result in Municipalities having to accept the risk associated with development that would normally require a CA permit per S. 28 of the *CAA.*	municipalities, additional staffing may be required to ensure proper technical review to protect property and life. This risk and technical expertise largely reside at CAs currently. **Environment, Urban Design and Climate Change –** concern Without the financial ability to retain the necessary technical expertise negative impact to the natural environment and increase risk to life and property may result.	additional risk for matters regulated by CAs.
CAs no longer considered a *public body* capable of appealing decisions under *prescribed Acts*.	• Given the CAs have their own permitting process and associated appeal process there is limited impact in this change. • If letters of clearance from a CA are required in-lieu of permits for applications under *prescribed Acts* there would sufficient oversight for CAs to ensure matters pursuant to Section 28 *CAA* are either accounted for or	**Environment, Urban Design and Climate Change –** concern Decisions on development applications may not fully consider matters under CA regulation if they can be exempted from CA permitting without oversight. **Public Health and Safety –** concern	• There would be general support for this proposed change **<u>if</u>** the forthcoming exemption conditions include a requirement of a letter of clearance from a CA.

	subjected to CA permitting requirements.	Decisions on development applications may not fully consider hazard matters under CA regulation if they can be exempted from CA permitting without oversight.	
CA fee schedules to be frozen at 2022/2023 levels.	• Freezing CAs fees coupled with the newfound ability to exempt certain development from obtaining a CA permit will put significant strain on CA resources in the long term. This could result in higher municipal levy rates to offset costs.	**Growth Pays for Growth –** concern Additional costs may be borne by the existing tax base. **Financial Impacts on Municipalities –** concern Additional costs may be borne through municipal levy contributions.	• Allow CA permitting fees to achieve full cost recovery at minimum.
CAs no longer has a role in regulating the impacts of *pollution* in relation to development. Minister and/or Tribunal no longer has to consider *pollution* in appeals.	• CAs provide a watershed lens when assessing impacts to key features. The cumulative and downstream impacts of development is often better assessed on a watershed basis. • Coupled with removal of commenting capabilities this change may lead to impacts of development only being considered within a municipal boundary lens. Cross-boundary disputes may increase.	**Environment, Urban Design and Climate Change –** concern May result in cross-boundary/downstream impacts to key hydrologic and natural features. **Matters of Provincial Interest –** concern Impact to ability and cost for municipalities to deliver on a	• Retain references to pollution in S. 28 of the *CAA.*

	• CAs ability to regulate sediment/erosion impacts would be diminished. • Powers of CA and the ability to create Regulations pertaining to prohibiting, regulating, permitting control of *pollution* still exist in Sections 21 & 28 of the *CAA*.	number of listed matters of Provincial Interest.	
CAs must inventory their land holdings and identify properties that could reasonably support housing.	• Its currently unclear how lands identified that could reasonably accommodate housing would be transferred and/or planned for to accommodate residential uses. Also unclear is how the test of *reasonable* is being carried out. • Most CA owned lands are comprised of ecologically sensitive lands or important recreational lands available for public use. • Additional land use planning approvals are highly likely to be required to accommodate residential uses. • Land use compatibility needs to be seriously considered in the assessment of *reasonable.* • Lands in settlement areas are most likely to be	**Matters of Provincial Interest –** concern Impact to ability and cost for municipalities to deliver on a number of listed matters of Provincial Interest. **Environment, Urban Design and Climate Change –** concern CAs hold environmentally sensitive lands. If these are lost there will be a resulting negative impact to the natural environment. **Public Health and Safety –** concern Natural and recreation areas have a positive and important influence on the health of	• Test of *reasonable* needs to include: ○ Land Compatibility Assessment. ○ Natural Environment Evaluation. ○ Financial Impact Assessment. • Municipalities should be included in the assessment of properties as stakeholders and decision-makers on future Planning Act applications.

	targeted. Ecosystem services needs to be a serious consideration as should the threat of reduction to the City's Natural Heritage System.	citizens. Diminishing the availability of these areas will result in a decrease to public health and well-being. **Complete Communities** – concern. Much of CA land holdings already form important components in the planning of complete communities. Removing these properties would diminish the ability to plan for complete communities.	

289-983-0648
Mark.Simeoni@burlington.ca

November 24, 2022

Electronic Submission only

ATT: Public Input Coordinator
Ministry of Natural Resources and Forestry
Resource Planning and Development Policy Branch
300 Water Street, 6th Floor, South Tower
Peterborough, ON K9J 8M5

RE: **Proposed Updates to the Ontario Wetland Evaluation System (OWES)**
ERO Posting 019-6160

Background:

Environmental Registry posting 019-6160 proposes substantial changes to how wetlands are evaluated and catalogued through the the Ontario Wetland Evaluation System (OWES). Those proposed changes are generally understood as follows:

- Removing the ability to describe complexes of wetlands.
- Individual wetlands of an identified complex will be able to be individually re-assessed and re-delineated.
- Interactions of wetlands within complexes relating to surface water and groundwater resources will no longer have to be assessed in the consideration of provincial significance.
- Special scoring for Species at Risk (SAR)/Threatened (THR) species/habitat to be removed; and
- MNRF no longer to review wetland evaluations.

The City of Burlington recognizes the importance of a systems-based approach to planning for natural heritage and key features. Wetlands are a vital component of the functional connections between aquatic and terrestrial systems. The ecological, social, and economic benefits of wetlands are substantial and provide for some of the most productive and biologically diverse habitats in Ontario. Since the 1980s, a substantial amount of southern Ontario wetlands have already been lost to encroaching land uses and development. The conservation and protection of the remaining wetlands is of more importance than ever.

From a natural heritage planning perspective, the proposed changes to the complexing of wetlands does not represent a systems-based approach to planning for the natural environment. This direction is not supported by a science-based ecological understanding of natural systems. Advances in mapping and modelling over the past 10 years have resulted in a better understanding of hydrological connections of wetland complexes and

more efficient delineation processes. Removal of the complexing approach to wetland assessment is not a direction that is supported by the current policy or guidance provided by the Provincial Policy Statement (2020) or the Natural Heritage Reference Manual. This direction is likely to result in:

- An inconsistent approach to wetland evaluations;
- Challenges to recently assessed wetlands;and,
- A net loss of overall natural heritage system within municipalities.

These changes would be opposite to Provincial direction regarding proper accounting for *ecosystem services*. As noted in A Place to Grow (2020) wetlands provide numerous benefits including water storage and filtration, cleaner air and habitats, and support pollinators, carbon storage, adaptation and resilience to climate change. These benefits may be cost prohibitive to replicate with traditional infrastructure or services if the features supporting ecosystem services are lost; at expense to the municipality. It is likely, due to the wording of the proposed changes, that municipalities will seek their own OWES evaluator to either review completed evaluations, or to proactively evaluate wetland features deemed important to the City's natural heritage system in order to deliver on several identified matters of provincial interest.

Next Steps:

There is general support for the modernization of OWES and for additional clarity on the complexing of wetlands. However, permitting an individual component of a larger system to be assessed in isolation from that system is a significant departure from accepted ecological principles and a departure from principles enshrined in the Provincial Policy Statement (2020), A Place to Grow (2020), and the Natural Heritage Resource Manual. The opportunity to have a more open and productive dialogue on modernizing OWES would be preferred and some innovative consideration may include:

- update to include conclusive minimum size criteria for wetland units.
- OWES scoring for SAR/THR/Rare species could be modified to better reflect some of the inconsistencies in the process.
- Creating a scoring cap.
- Applicability where species status lists are current and available.

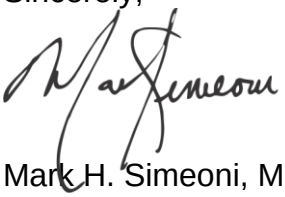
Currently, OWES recognizes the ecological complexities of wetlands. These complexities, such as the interaction of groundwater and surface water inputs, is part of what makes a wetland such a valuable feature suited to providing important ecosystem services. While the type of studies that may be required to assess these interactions can be both extensive and expensive, the general goal of revising OWES should focus on making the process transparent and replicable rather than disposing of important evaluative concepts.

Finally, It is unclear what role municipalities will have in the wetland evaluation process. Clarity should be provided regarding whether a municpality has the ability to retain their

own OWES evaluator where there may be a dispute in the evaluation process. Additional clarity is also sought regarding at what level oversight occurs. In general, having no or unclear oversight of the matter of wetland evaluation opens the process to abuse and potential conflicts of interest and the potential of undermining of certain matters of provincial interest enshrined in the Planning Act. It is suggested, in-lieu of an appeal mechanism, and removal as MNRF as arbiter, that it be clarified what recourse is available where there are conflicting evaluations or where there is a dispute regarding conclusions.

Please accept this letter and its attachment as the City of Burlington submission on ERO posting 019-6160. Given the short period for consultation the attached comments have not been approved by City Council. This letter and its attachment will be shared with the City's Committee's and Council at the earliest opportunity. Should Council determine any additional comments or refinements to the attached comments are required the Province will be advised at the earliest opportunity.

Sincerely,



Mark H. Simeoni, MCIP,RPP
Director of Community Planning
Community Planning Department
City of Burlington

Theme: Streamlining Development Approvals Contributor: Policy and Community Primary Associated ERO Postings: **Proposed Updates to the Ontario Wetland Evaluation System (OWES) –** ERO 019-6160 **Notice Type:** Policy **Deadline**: November 24, 2022			
Summary of Changes	**Staff Comments/Questions**	**Guiding Principle (see the Options considered section of the hyperlinked report)** (indicate support or concern)	**Approaches or alternatives for consideration**
Significant impacts (diminishment) to the ability to describe *complexes* of wetlands. Individual wetlands of an identified *complex* will be able to be individually assessed and re-delineated.	- From a natural heritage planning perspective, the changes to the *complexing* of wetlands are conflicting to a *systems-based* approach to planning for the natural environment. This direction is not supported by the science-based ecological understanding of natural systems. There is concern this direction may result in: • An inconsistent approach to wetland evaluations. It is unclear if a wetland evaluator's opinion can be challenged or appealed by a municipality. This could result in staff implications for the City (ecological expertise or peer review experts). • Could make the evaluation system more susceptible to abuse. • Will allow challenges to recently assessed wetlands that reside in the PSW designation. • A net loss of overall natural heritage system within the City.	**Environment, Urban Design and Climate Change –** concern Overall net loss to wetland features and the buffers protecting them. Wetlands play an important function in mitigating and adapting to the impacts of climate change. **Matters of Provincial Interest –** concern Impact to ability and cost for municipalities to deliver on a number of listed matters of Provincial Interest. **Public Health and Safety –** concern Loss of functions supporting ecosystem services including stormwater attenuation and conveyance.	• It is generally agreed that OWES needs modernized and additional clarity on complexing is required. However, permitting an individual component of a larger system to be assessed in isolation from that system is a major departure from accepted ecological principles and undermines broader provincial objectives. • The OWES could be updated to include conclusive minimum size criteria for wetland units within a complex. While minimum threshold has been largely resisted in the past in favor of more subjective scoring metrics, a specific minimum threshold for a wetland within a complex could be established to ensure outcomes are transparent and replicable.

	Delisting a wetland would preclude the consideration of potential ecological offsetting which is understood to be a policy direction being considered by the Province. - These changes would be opposite to Provincial direction regarding proper accounting for *ecosystem services;* wetlands provide numerous benefits that may need to be replicated with traditional infrastructure if the features supporting ecosystem services are lost.		
Interactions of wetlands within complexes relating to surface water and groundwater resources will no longer have to be assessed in the consideration of *provincial* significance.	- The proposed approach is not supportive of a *systems-based approach* to natural heritage planning. - Many wetlands are supported by ground water and surface water. Often the interaction between the SW/GW contributions needs to be considered to understand how sensitive/resilient a wetland is. Ultimately this information is needed for a complete understanding of potential impacts. - This direction is not consistent with the requirements conferred on planning authorities under S. 2.2. of the PPS (2020).	**Matters of Provincial Interest –** concern Impact to ability and cost for municipalities to deliver on a number of listed matters of Provincial Interest. **Public Health and Safety –** concern Potential to impact key natural features part of the City's Natural heritage System (NHS). May have impact on overall water quality.	- OWES recognizes the ecological complexities of wetlands. These complexities, such as the interaction of groundwater and surface water inputs, is part of what makes a wetland such a valuable feature suited to providing important ecosystem services. - Suggest retaining the groundwater/surface water assessment and detail applicable study requirements similar to the direction provided through S 2.2. of the PPS (2020).
Special scoring for SAR/THR species/habitat to be removed	- Wetlands tend to represent unique habitats that are difficult to replicate. Often SAR/THR species will not have an alternative habitat within a reasonable proximity. - The health and populations of SAR/THR species often act as indicators as to the	**Matters of Provincial Interest –** concern Impact to ability and cost for municipalities to deliver on a number of listed matters of Provincial Interest. **Environment, Urban Design and Climate Change –** concern	- OWES scoring for SAR/THR/Rare species should be maintained but could be modified to better reflect some of the inconsistencies in the process: • A scoring cap; or • Only applicable where local status lists are current and available.

	overall health of a system and the uniqueness of a feature. - This would undermine the ability to protect local or regionally rare communities. - May restrict the extent a Biodiversity Plan could protect species/habitat of local concern. - There are proposed changes that establish scoring thresholds which will provide needed clarity in the assessment process.	Loss of unique habitats and impact to overall biodiversity of urban areas and growth areas should be anticipated. Wetlands play an important function in mitigating and adapting to the impacts of climate change.	
MNRF no longer to review wetland evaluations.	- It is unclear whether a municipality can challenge an OWES practitioner's assessment with their own expert. - It is unclear at what level the oversight occurs at. - In general, having no flexibility but to accept a wetland evaluation as part of a development application impacts transparency and accountability. Ultimately, public confidence in the process begins to erode.	**Financial Impact on Municipalities –** Concern Additional technical expertise would be required to be retained by municipalities. May result in disputes leading to additional OLT burden.	- Due to the wording of the proposed changes, it is likely that Municipalities will seek their own OWES evaluator to either review completed evaluations, or to proactively evaluate wetland features deemed important to the local/regional Natural Heritage System. - It is suggested, in-lieu of an appeal mechanism and removal as MNRF as arbiter, that it be clarified what is to happen in a case where there are conflicting evaluations or where there is a dispute regarding conclusions.

289-983-0648
Mark.Simeoni@burlington.ca

November 24, 2022

Electronic submission only

ATT: Cristina Da Silva
Cristina.Dasilva@ontario.ca

RE: **Proposed enactment of the Minister's regulation-making authority under the Municipal Act, 2001 to introduce new limits on municipal rental demolition and conversion by-laws.**

Ontario Regulatory Registry Posting N/A, Proposal Number 22-MMAH017

Background:

Ontario Regulatory Registry posting (N/A), Proposal Number 22-MMAH017 works with Schedule 4 of Bill 23 which proposes adding a subsection (7) under section 99.1 of the *Municipal Act, 2001*. This new section would enact the Minister's regulation-making authority to introduce regulations that impose limits and conditions on the powers of local municipalities to prohibit and regulate the demolition and conversion of residential rental properties with six units or more. This amendment to the *Municipal Act*, *2001* is intended to standardize and clarify municipal powers and provide consistency across the province. The intent of this posting is to seek feedback on the nature of a future regulation.

Comments:

Rental units provide some of Burlington's most affordable housing, providing housing units for some of Burlington's most vulnerable residents. More Homes Built Faster should always include rental homes. Like in many of Ontario's Cities, the demand for rental units in Burlington has outpaced supply consistently over the last 15 years. As the demand for rental units continues to grow, it will be important that municipalities have the tools available to protect existing rental stock and incentivize the creation of new rental housing.

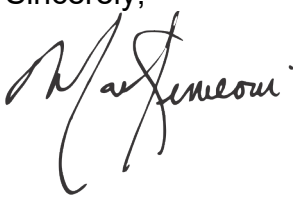
After extensive study and consultation, the City of Burlington's Housing Strategy, 2022, recommended leveraging the existing policies within the Burlington Official Plans (1997 in effect and 2020 under appeal) to implement a rental-replacement by-law that would protect the existing rental stock. The policies of the Official Plan(s) seek to protect rental units and are responsive to local rental market conditions.

Limiting the ability of municipalities to be responsive to local context to protect existing rental stock will undermine their capacity to provide housing for residents. In Burlington, it will undermine the City's ability to meet growing rental demand, lowering an already exceedingly low vacancy rate, reducing affordability and impacting the quality of life of residents.

Next Steps:

Please accept this letter and its attachment as the City of Burlington submission on ORR posting Proposal Number 22-MMAH017. Given the short period for consultation the attached comments have not been approved by City Council. This letter and its attachment will be shared with the City's Committee's and Council at the earliest opportunity. Should Council determine any additional comments or refinements to the attached comments are required the Province will be advised at the earliest opportunity. Should a Regulation come forward, staff look forward to engaging with the Province to provide comments and finding solutions together.

Sincerely,



Mark H. Simeoni, MCIP,RPP
Director of Community Planning
Community Planning Department
City of Burlington

Theme: Helping Home Buyers and Renters Contributor: Community Planning Primary Associated ERO Postings (Deadline): **Municipal Act – Municipal Rental Replacement By-Laws (ORR 22-MMAH017)** November 24, 2022			
Summary of Changes	**Staff Comments/Questions**	**Guiding Principle (see the Options considered section of the hyperlinked report)** (indicate support or concern)	**Approaches or alternatives for consideration**
1- Municipal Rental Replacement By-Laws. Adding in subsection (7) under s.99.1 of the Municipal Act, 2001 to enable the province to introduce regulations to impose limits and conditions on the powers of a local municipality to prohibit and regulate the demotion and conversion of residential rental properties with six or more units.	Questions • How would this new regulation protect existing rental units and tenant rights? • Under what circumstance would a Regulation be introduced? • How would the regulation give regard to the nuances of local context within the rental market? Burlington's Rental Market • Demand for rental units in Burlington continues to outpace construction of rental units. Burlington's vacancy rate has been at or below 2% for the last 15 years and Burlington needs to build over 200 units per year to keep up with rental demand. Limiting the protection of exiting rental units will undermine the ability of the City meet the demand for rental units. • 25% of Burlington's Households were renters in 2021 up from 20.5% in 2006 with 20% of renters in Core Housing Need in 2021. • City of Burlington's Official Plans (1997-in effect and 2020-under appeal) policies intend to protect rental units and is responsive to the vacancy rate.	**More Homes Faster** • The construction of more housing units faster should include rental units. Reducing protections for existing rental units will erode the City's already limited supply of rental housing stock, reduce affordability of units overall and undermine the city's ability to deliver the required 200+ new rental units needed to keep up with demand. **Complete Communities** • Rental units represent some of Burlington's most affordable housing options, their protection and incentivization is critical to meet the needs of middle and low income residents and to protect its most vulnerable community members.	• The new regulation should be responsive to local rental market conditions and vacancy rates. • While the Residential Tenancies Act provides protections with regard to extensive/major renovations, it does not provide protections for demolition and conversions of rental properties. A new regulation should consider protections for renters related to demolition and conversion; giving regard to the substantial impact on renters and their quality of life when their units are demolished or converted. • Should a regulation be prepared, consider developing a monitoring framework to ensure that the rental stock is not negatively impacted and that the number of renters in Core Housing Need does not increase. • Given that the demand for rental units continues to outpace supply, consider opportunities to invest in grants and other funding sources to incentivize the creation of new rental units within communities. • Consider exempting demolition/conversion of rental units with 6 or more residential rental units from required conditions (such as required 3% vacancy rate) if: ○ More or same residential units are being provided by proposed development/conversion

	• Burlington's Housing Strategy, 2022 highlights the importance of a healthy rental housing stock (at or above 3% vacancy rate) to meet the needs of residents at all income levels and stages of life.		○ The same number of rental units with the same number of bedrooms per unit and similar rental rate are being provided • This approach would generally be in line with the City's 2020 Official Plan policies

Theme: Streamlining development approvals Contributor: Legal Primary Associated ERO Postings (Deadline): **Proposed Amendments to the Ontario Land Tribunal Act, 2021 (November 25th)**			
Summary of Changes	**Staff Comments/Questions**	**Guiding Principle (see the Options considered section of the hyperlinked report)** (indicate support or concern)	**Approaches or alternatives for consideration**
Clarify the OLT's powers to dismiss appeals due to unreasonable delay by parties. Prior to dismissal, parties would be given notice of the OLT's intent to dismiss and an opportunity to respond in accordance with the OLT's Rules of Practice and Procedure.	• As noted, this change is a clarification of the powers to dismiss an appeal that the Tribunal currently has, and accordingly, it is not clear it is necessary. • It is unclear if this clarification will result in more dismissals. • As the City is not an appellant of matters, the potential impact of this clarification to the City is limited.		
Clarify the OLT's powers to order an unsuccessful party to pay a successful party's costs. This proposed amendment is intended to encourage parties to reach an agreement without going through the Tribunal. If the OLT decides to award costs, costs	• Again, this change is a clarification of powers the Tribunal's current authority to award costs. • Despite already having broad authority to award costs, the Tribunal rules (and the rules of its predecessors) have established a rule requiring that the conduct of the party be unreasonable, frivolous or vexatious before costs will be awarded against them. This approach recognizes that the Planning Act establishes a public system for planning, and parties who engage in that system in good faith	Concern: Public Engagement - if members of the public or public entities are deterred from participating in these processes for the fear of cost implications. Growth Pays for Growth – if municipalities start to face costs awards against them where they are participating in good faith, the cost burden of municipal participation in	

would be ordered in accordance with its Rules of Practice and Procedure, which could address when costs for a successful party may be awarded.	and with reasonable conduct should not be punished for doing so. • The impact on participation, for the general public or the City, in hearings will be determined by whether the Tribunal will change its rules in response to this clarification on its existing powers. • Further, in planning matters, it is not always clear as to who the successful or unsuccessful party is, as the Tribunal can approve parts of an application and refuse others, and as applications often change throughout the appeal process.	its own land use planning system and the costs of the applicant will fall to tax payers	
Enable priority criteria to be established in regulation to help ensure that OLT cases that create the most housing, for example, will be resolved as quickly as possible. A new Lieutenant Governor in Council (LGIC) regulation under the OLTA would be developed after consultations with affected ministries and posting on the Regulatory Registry.	• The impacts of this new regulatory authority will not be fully understood until the regulations have been released. • Concern that if site-specific applications for residential intensification is prioritized above all other files, it may result in other elements of complete communities, such as employment uses, or comprehensive municipal plans for the City or specific areas being significantly delayed	Concern: Complete Communities – if applications for residential development are prioritized to the detriment of other types of applications and municipally initiation instruments, the vision for complete communities will not be realized.	
Enable service standards (i.e., timelines) for specific case resolution activities at the OLT	• Again, the impacts of this new regulatory authority will not be fully understood until the regulations have been released		

to be set in regulation. A new Minister's regulation under the OLTA would be developed after consultation with the public and stakeholders via a posting on the Regulatory Registry.	• In establishing timelines, it is important to reflect the time required for City staff to obtain instructions from City Council as necessary		

289-983-0648
Mark.Simeoni@burlington.ca

December 9, 2022

Electronic Submission only

ATTENTION:
Honourable Steve Clark, MPP
Minister of Municipal Affairs
100 Strowger Boulevard, Suite 101
Brockville, ON K6V 5J9
Steve.Clark@pc.ola.org

RE: Proposed Changes to Ontario Regulation 232/18: Inclusionary Zoning

Environmental Registry of Ontario Posting 019-6173

Background:

Environmental Registry of Ontario posting 019-6173 proposes a number of changes to Ontario Regulation 232/18: Inclusionary Zoning. These changes would establish an upper limit on the number of units that could be set aside as affordable, a maximum affordability period and prescribe an approach to determining the lowest rent/price for inclusionary zoning units. The proposed changes intend to provide more consistency, certainty and clarity across the province's Protected Major Transit Station Areas.

Comments:

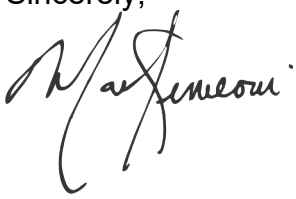
The proposed changes to Ontario Regulation 232/18 will limit the ability of municipalities to deliver affordable units within the PMTSAs. It will also limit the depth of affordability of units and could result in the premature loss of affordable units from the PMTSA's.

Setting the minimum price/rent of inclusionary zoning units to 80% of purchase price/AMR instead of relying on the technical work of municipalities as set out in O.Reg 232/18 may result in the reduced affordability of inclusionary zoning units. This change to the Regulation relies solely on market conditions and not household income. Due to the high cost of rental and ownership housing in Ontario, this may further exclude low and middle-income residents from ownership and rental markets within the PMTSAs. Relying on the Municipal Assessment Reports of Municipalities as set out in O.Reg 232/18 to determine the minimum price/rent that is feasible will ensure that the greatest number of affordable units will be generated at the deepest possible level of affordability; providing a tool for municipalities to provide more affordable units faster within PMTSAs.

Next Steps:

Please accept this letter and its attachment as the City of Burlington submission on ORR posting 019-6173. Given the short period for consultation the attached comments have not been approved by City Council. This letter and its attachment will be shared with the City's Committee's and Council at the earliest opportunity. Should Council determine any additional comments or refinements to the attached comments are required the Province will be advised at the earliest opportunity.

Sincerely,



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Director of Community Planning
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City of Burlington

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Theme: Reducing costs, fees and taxes Contributor: Community Planning Primary Associated ERO Postings: **ERO 019-6173** December 9, 2022			
Summary of Changes	**Staff Comments/Questions**	**Guiding Principle (see the Options considered section of the hyperlinked report)** (indicate support or concern)	**Approaches or alternatives for consideration**
Establish an upper limit on the number of units that would be required to be set aside as affordable to % of the total number of units or 5% of the total GFA of the total residential units	- What is the rationale for a 5% upper limit on the set aside rate? - This maximum could inadvertently limit the capacity of municipalities to deliver affordable housing units in Ontario's PMTSA's	**More Homes Faster** - This changes to the Regulation may inadvertently diminish the capacity of municipalities to deliver more affordable homes faster in PMTSAs.	- Consider allowing the findings of the studies and analysis undertaken by municipalities that are currently required by Ontario Regulation 232/18 to determine a feasible set aside rate for each PMTSA that is responsive to localized market contexts. - Consider the number of municipalities that have initiated the Municipal Assessment Report process guided by the existing regulation that has been modified by the Province in recent times. Significant investment has been made based on good faith. - Consider other tools to generate deeply affordable units such as appropriate development standard modifications.
Establish the maximum period over with the affordable housing units would be required to remain affordable to 25 years.	- What is the rationale setting 25 years as the maximum affordability period? - This maximum could inadvertently limit the capacity of municipalities retain affordable units within PMTSAs	**Complete Communities** - This change to the regulation may inadvertently diminish the capacity of municipalities to retain affordable housing units within the PMTSAs.	- Consider allowing the findings of the studies and analysis undertaken by municipalities that are currently required on Ontario Regulation 232/18 to determine what affordability period is most feasible for each PMTSA and that is responsive to localized market contexts.
The lowest price/rent that can be required will be set at 80% of	- More information is required around the Bulletin and how it will determine AMR and average purchase price. Such as how often the	**Complete Communities** - This change to the regulation may inadvertently diminish the depth of	- Or consider allowing municipalities to determine the lowest price/rent to be required based local context and feasibility within each PMTSA through the studies

the average resale purchase price for ownership units and 80% of the AMR of rental units	bulletin will be updated, what data sources will be used and whether it will be based on geographic locations, unit type and number of bedrooms. - What is the rationale for using "80% of AMR" and "80% of average purchase price" to define affordability? The PPS currently uses household income as a metric for determining affordability. - Disconnecting the definition of affordable from the household income of Ontarians and relying on the market to define affordable will result in a further disconnection of housing affordability from real incomes. - How do these new definitions ensure that moderate and low-income decile households are considered when defining what is affordable? - Through work on the Housing Strategy in 2021, the Housing Needs and Opportunities Report provides tables (63 & 65) that assess the income decile that a household would need to be in to be able to afford a housing unit in Burlington. Adjusting these unit prices to 80% of the AMR or average sales price showed that: o For both the rental and ownership units in Burlington, 80% of the average sales price/AMR does not provide affordability deep enough that low-income and some middle-income residents can afford units. o Even at 80% of the average sales price, a household would need to make at least $113, 702.00 per year to enter	affordability of units within the PMTSAs.	and analysis that municipalities are currently required to undertake under Regulation 232/18. This will ensure that the deepest affordability possible is made available to low and middle-income residents. - Alternatively, consider using the definition in the PPS for consistency and clarity across policy frameworks. This will ensure that household income informs the definition of affordable.

	the housing market and at least $48,579.00 per year to afford a rental unit (a bachelor apartment).		

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December 30, 2022

Electronic Submission only

ATT: Public Input Coordinator
Ministry of Natural Resources and Forestry
Resource Planning and Development Policy Branch
300 Water Street, 6th Floor, South Tower
Peterborough, ON K9J 8M5

RE: Proposed updates to the regulation of development for the protection of people and property from natural hazards in Ontario
ERO Posting 019-2927

Background:

Through proposed modifications to Sections 21 & 28 of the *Conservation Authorities Act (CAA)*, as well as forthcoming Regulations, a number of Conservation Authority processes are expected to be altered or further defined. The following items are understood to be proposed:

- A new Regulation will be created and adopted that will be applicable to all thirty-six (36) CAs. This Regulation will:
  - Formalize pre-consultation requirements for CAA permits.
  - Formalize complete application requires including, but not limited to, studies and/or technical information.
  - Limit the type of site-specific conditions applied to CAA permits.
  - Expand CA's ability to issue maximum length permits and issue extensions.
  - Formalize development related policy requirements and application review procedures.
  - Describe 'low-risk' activities that could be exempted from requiring a CAA permit.
- The new Regulation will update a number of definitions including *watercourse* and *wetland.*
- Requirement for CAs to formally map regulated areas and notify the public when/if these areas are expanded upon.
- Allow development to be exempt from CAA permits where a *Planning Act* authorization has been provided. The use of the exemption tool will be subject to conditions provided in a future Regulation.

Comments:

Coupled with the changes proposed to the CAA through ERO posting 019-6141, this proposal will significantly alter how CAs operate in their permitting role and alter the way they interact with the development review process under the *Planning Act.* As a result, municipalities in Halton Region, including the City of Burlington, may no longer be able to rely on some of the valuable services in the development review process that have previously been undertaken in partnership with Conservation Halton (CH) and Halton Region. Currently, the City of Burlington is party to a Memorandum of Understanding (MoU) for the provision of planning services, focused on ecological review, between the Region and CH. Given the proposed direction of providing the ability for development authorized by the *Planning Act* to be exempted from permitting requirements under CAA, there is a significant concern that this signals the downloading of risks and responsibilities for natural hazards to municipalities. The following impacts on municipalities as a result of these changes and potential means of mitigating those impacts should be considered:

- Reduced access to technical expertise residing at conservation authorities in the development review process including, but not limited to ecology, hydrogeology, hydrology, hydraulic modelling.
- Additional financial burden to retain technical expertise to assess aspects of development applications previously reviewed by CA staff.
- Additional financial and staff burden to take on the responsibility of monitoring, inspection, and compliance responsibilities where an exemption from a CAA permit is given.
- Additional risks and responsibilities for natural hazards being downloaded to municipalities including inspection, compliance, and technical review.
- Duplication of studies and technical reports where *Planning Act* and CAA permits are filed for concurrently. This has potential impact to the delivery of Halton Region's 'one-study' approach to Environmental Impact Assessments (or equivalent).
- Study duplication as a result of differing applicable standards and application requirements that will result from an inability to effectively coordinate *planning act* approvals and *CAA* permits.
- Diminished oversight of the impacts to the natural environment and water resources where a development is exempt from a *CAA* permit, or where development is authorized by a MZO.
- Diminished oversight regarding assumed 'low-risk' development in regulated areas through provided expanded exemptions.

The City of Burlington remains supportive of changes to the legislation that will aid in ensuring the issue of housing availability is addressed while balancing the protection of the natural environment and the protection of life and property from natural hazards. The City works together with agency partners including Conservation Halton to understand

the risks posed by natural hazards and to formulate mitigation and enhancement strategies to ensure a safe and resilient outcome for all stakeholders.

The Province has posed four (4) questions to the public and agencies regarding the creation of an CAA permit exemption mechanism for use through the *Planning Act*. Those questions are:

1. In which municipalities should the exemption apply? How should this be determined?
2. Which *Planning Act* authorizations should be required for the exemption to apply?
3. Should a municipality be subject to any requirements or conditions where this type of exemption is in place?
4. Are there any regulated activities to which this exemption shouldn't apply?

Before a substantive response can be provided on the questions posed, it must first be clarified to what extent the use of this exemption tool will make municipalities responsible for the risk and liability that goes with development planning within natural hazards. Section 3.0 of the *Provincial Policy Statement (PPS)* 2020 has historically provided strategic direction to public bodies, including municipalities, on how to adequately plan for and protect citizens from natural hazards as follows:

> *Ontario's long-term prosperity, environmental health and social well-being depend on reducing the potential for public cost or risk to Ontario's residents from natural or human-made hazard […]*
>
> *Mitigating potential risk to public health or safety or of property damage from natural hazards, including risks that may be associated with impacts of a changing climate, will require the Province, planning authorities and conservation authorities to work together.* (PPS, 2020. Pg. 32)

Taking this Provincial direction seriously, the City of Burlington in partnership with the Region of Halton and Conservation Halton, have moved to an integrated *one-study* approach to natural hazards planning within the development review process. This process permits all those agencies with vested interest or legislated responsibility for hazards to provide a coordinated response regarding study requirements and mitigation expectations. Restricting the ability of CAs to participate wholly within *Planning Act* applications and providing an exemption tool to effectively circumvent CA regulatory authority seems to be antithetical to the strategic direction reflected in the PPS (2020).

If the implementation of a CAA exemption mechanism is being seriously considered by the Province, it would make most sense to make its implementation at the discretion of individual municipalities. It would be further prudent to require a municipality to implement Official Plan (OP) policy authorizing the use of the exemption tool and describing the conditions under which it can be utilized. This would represent a more transparent approach to implementation that would include public consultation.

The impacts being felt locally, and globally, as a result of climate change cannot be understated. A healthy and functional natural heritage system represents the pre-eminent tool in adapting to impacts as a result of exacerbated natural hazards. The health and function of these systems have traditionally been addressed through a partnership of municipalities, public bodies, non-governmental agencies, and private developers working together on a common path. Bill 23's proposed changes to the role of Conservation Authorities in protecting life and property from natural hazards represent a threat to the ability of the City to adapt and achieve resiliency.

The City, in partnership with the Region of Halton and Conservation Halton, have moved towards to an integrated *one-study* approach within the development review process. With the proposed changes to the CAA these coordinated efforts would be negatively impacted. If the ability to coordinate aspects of natural hazard planning with the regulatory authority responsible for them is removed, it is likely that municipalities will have to assume the related risks and responsibilities as well as the associated liabilities. To mitigate this risk municipalities will require access to technical expertise that have not been historically retained to avoid duplication with CAs. This is being viewed as having the potential to have a significant financial and staffing impact on municipalities.

It is more important than ever for the City to ensure the best tools and partnerships are able to be leveraged to ensure the health and resiliency to mitigate hazards being exacerbated by elements of climate change.

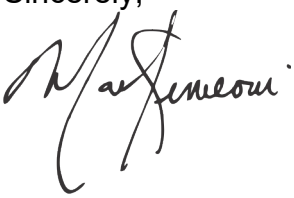
Next Steps:

The Province has City of Burlington remains supportive of the previous changes to the *CAA* and the accompanying Regulations that formed part of Bill 229: *Protect, Support and Recover from COVID-19 Act*. Those changes ensured that conservation authorities core services were appropriately defined (Category 1 services), and also set out the requirements that would need to be in place if a municipality sought certain programs or services from CAs beyond those mandatory services (Category 2 & 3 services). The City utilizes this flexibility to work in partnership with Conservation Halton and the Region of Halton through an established MoU for defined planning services. This has a resulted in a more streamlined review of environmental impacts and natural hazards while also providing more clarity and consistency in required submission materials. It is the City's position that the diminishment of the role of CAs within the development and permitting processes will result in a prolonged pre-application process as well as the duplication of studies and requirements borne out of restrictions placed on CAs participation in applications under *prescribed Acts.* The City it respectfully requesting the Province reconsider continuing the direction that was prescribed through Bill 229.

Please accept this letter and its attachment as the City of Burlington submission on ERO Posting 019-2927. Staff will be sharing these comments with the City's Committees and

Council at the earliest opportunity. Refinements and clarification will be provided as required.

Sincerely,



Mark Simeoni, MCIP, RPP
Director of Community Planning
Community Planning Department
City of Burlington

Theme: Streamlining development approvals. Contributor: Policy and Community **Primary Associated ERO Postings: Proposed updates to the regulation of development for the protection of people and property from natural hazards in Ontario –** ERO 019-2927 **Notice Type:** Regulation **Deadline**: December 30, 2022			
Summary of Changes	**Staff Comments/Questions**	**Guiding Principle (see the Options considered section of the hyperlinked report)** (indicate support or concern)	**Approaches or alternatives for consideration**
- Newly proposed O.Reg. for regulation of development in or near hazards (O.Reg. not yet released). Is intended to apply to all 36 CAs. - The new regulations will: i. detail *complete application requirements* for Conservation Authority Permits ii. Limit the site-specific conditions a CA may attach to a permit with the focus being on hazards and public safety. iii. Expand a CA's ability to issues maximum length permits and issue	- The proposed complete application requirements are fairly standard except for (h) that identifies: *Such other technical information, studies or plans, as the authority may request prior to the confirmation of a complete application by the authority, including as determined during any pre-consultation between the authority and the applicant.* - Its unclear which process would take precedence when a *Planning Act* application and a CA Permit application are concurrently filed. Limiting CA's ability to comment/participate in the planning process will lead to duplication of effort at the pre-consultation stage of development applications. - Conservation Halton already implements many of the service delivery	**More homes built faster –** concern Duplication of study requirements and separate, uncoordinated development review processes is not likely to streamline required approval processes.	- Please clarify if low risk activities being considered for exemption would be applicable within 30.0 m of a wetland or required buffers of other key features. - Please clarify how additional study requirements and two separate, uncoordinated processes would result in streamlining compared to all agencies working within the same, coordinated process? - Consider continuing to allow CAs to provide Category 2 services to municipalities where there is an agreement in place between the municipality and the CA.

extensions. (max. 60 months). Written application 60 days before expiry for extension, demonstrates *circumstances beyond the control of the holder of the permission.*
 	
- CAs will be required to develop, consult on, make publicly available, and periodically review a policy that includes:
  - Additional complete application details
  - Timelines for confirmation/notification of complete application including administrative process if notification does not occur.
  - Timelines for decision following complete application
  - Additional technical details on regulator requirements and application review procedures.
	standards that are going to be considered in the new Regulation		

- Site-specific conditions a CA may attach to a permit will be limited to conditions that mitigate:	- It is assumed that CAs would be able to continue to apply standard permit conditions (non-site specific) that have been developed and consulted on over time. If so, defining the extent of site-	**Environment, Urban design and Climate Change –** concern If monitoring or compliance related conditions cannot be implemented	- Please clarify if CA standard conditions would continue to be applied and applicable.

- Effects the development project is likely to have on the control of flooding, erosion, dynamic beaches or unstable soil or bedrock; and - Conditions or circumstances created by the development project that, in the event of a natural hazard, might jeopardize the health or safety of person or result in the damage or destruction of property.	specific conditions to encompass, generally, CA core mandate issues should not be an issue. Until the regulation is drafted it is difficult to comment on the extent of potential restrictions. - If conditions related to monitoring, inspection, compliance are impacted those may fall on the municipalities to implement through the development approval process.	additional impacts to hazards and key features should be anticipated during and after construction phase. **Growth pays for growth –** concern If monitoring or compliance related conditions cannot be implemented, it may fall on municipal resources to carry out those tasks	
- CAs are required to map where a permit will be required and must notify the public when enlargements to these areas are being proposed through mapping updates.	- Conservation Halton, working with the City of Burlington, is proactive in mapping updates. The updating process includes public engagement opportunities including review of mapping results.	**Matters of Provincial Interest –** support Having access to high quality hazard mapping allows municipalities to more efficiently deliver on a number of provincial interests. **Complete Communities** – support Having access to recent, quality data on hazards impacting current and future neighbourhoods helps plan for safer and healthier communities. **Public Health and Life Safety –** support Hazard mapping allows for best management practices to be	- There is general support for hazard mapping projects as well as the supporting public engagement opportunities.

		implemented where there is a known risk to existing or future development. **An Engaged Community –** support Public notification and engagement in the hazard mapping process ensures municipal residents are informed and engaged in process affecting them.	
- Definition of watercourse will be updated to read: *a defined channel having a bed, and banks or sides.* - Definitions for wetland and hazardous land will be set out in regulation	- There is a concern that the proposed definition of watercourse may result in altered or difficult to define sections of a watercourse to be left out of hazard mapping. - The definition of wetland has not been harmonized with all Provincial Plans.	**Environment, Urban design and Climate Change –** concern Watercourse, wetlands, and other key features play an important role in overall environmental health of municipalities as well as offering mitigation from the effects of a changing climate. Issues arising from the improper definition of such features may lead to the loss of system features or the diminishment of existing protections.	- Recommend taking the opportunity to harmonize the definition of wetlands to be consistent with other Provincial policy documents.
- S.28 CAA is updated to allow for development to be exempted from requiring a CAA permit where a *planning act* decision has authorized the development. - It is proposed that a *planning act* approval would have to meet certain conditions for the exemption to apply. These conditions are to be provided through a future Regulation. The	- The ability for planning act decisions to exempt development from obtaining a required CAA permit could result in municipalities having to take on the risk and responsibility for development in hazards. - CA permits often carry conditions for inspection and compliance. A role municipalities would likely have to take on if a CA permit is exempted. - To adequately respond to these added roles and responsibilities, many municipalities would have to retain additional staff in technical disciplines	**Public Health and Life Safety –** concern May result in less stringent application of standards that are implemented to mitigate impact to the natural environment and protect people and property from natural hazards. **Growth pays for growth –** Concern If additional responsibilities and risks are to be borne by the municipality through	- Any exemption process or policy being considered by the Province should be made to be voluntary and require a municipality to have enabling Official Plan policies for use of CAA permit exemption authority. - Please clarify if use of the exemption would result in the risks and liabilities of hazard regulation being downloaded to the municipality. - Please clarify if funding for additional technical expertise/staff will be provided for municipalities taking on additional compliance/inspection responsibilities.

Province is seeking feedback on the development of this Regulation posing the following four (4) questions: i. In which municipalities should the exemption apply? How should this be determined? ii. Which *Planning Act* authorizations should be required for the exemption to apply? iii. Should a municipality be subject to any requirements or conditions where this type of exemption is in place? iv. Are there any regulated activities to which this exemption shouldn't apply?	that have traditionally been addressed by expertise residing at CAs. - These changes can be viewed as additional downloading of Provincial responsibilities onto municipalities without clear efficiencies being gained as a result.	*planning act* decisions, municipalities will have to seek additional personnel or third-party reviewers in technical disciplines previously addressed by CAs. **Matters of Provincial Interest –** concern Delivery of a number of provincial interests could be impacted through this shifting in responsibility from the province to municipalities.	

289-983-0648
Mark.Simeoni@burlington.ca

December 9, 2022

Electronic Submission only

ATTENTION:
Honourable Steve Clark, MPP
Minister of Municipal Affairs
100 Strowger Boulevard, Suite 101
Brockville, ON K6V 5J9
Steve.Clark@pc.ola.org

RE: Proposed Changes to Ontario Regulation 299/19: Additional Residential Units

Environmental Registry of Ontario Posting 019-6197

Background:

Schedule 9 of Bill 23, *More Homes Faster Act, 2022* proposes amendments to the *Planning Act*, *1990* to support gentle intensification in existing residential areas. As a result of these proposed legislative changes, consequential amendments are proposed to Ontario Regulation 299/19: Additional Residential Units (O.Reg 299/19) through Environmental Registry of Ontario posting 019-6197. The proposed changes would remove barriers and incent gentle intensification in residential areas through the delivery of Additional Residential Units (ARUs).

Comments:

Overall, the changes proposed in Schedule 9 of Bill 23 and O.Reg 299/19 align with the City's commitment to bolster the creation of more housing and the delivery of housing options. This aligns with Strategic direction 1 of the City's strategic plan and the policies of the City's new Official Plan, 2020. This type of gentle intensification delivers affordable residential units as well as a source of income for home owners and in so, improves housing affordability for homeowners.

It is critical to ensure that while removing barriers to the development of Additional Residential Units, municipalities retain the ability to protect the health and safety of residents and respond to local context. Changes to the regulation should support the role of local Zoning regulations that guide development and is responsive to local planning and infrastructure context. Retaining the ability to be responsive to local context will be crucial in understanding the comprehensive and cumulative impacts of gentle densification, including the impacts on the delivery of services, stormwater management, parks and active transportation provisioning.

It is difficult to comment as a draft of the modifications to the regulation was not released. The Province is encouraged to work closely with municipalities to understand opportunities to remove barriers, smooth processes and reinforce the role of Zoning. Working together to provide clarity to municipalities also means providing clarity to residents, ultimately the creators of these new units. Please consider working more closely together to reduce the burden of study and encourage the removal of barriers to the delivery of these types of units.

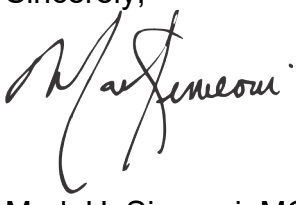
Recommendations:

- Ensure that the Regulation clarifies and reinforces the role of Zoning;
- Consider requiring the principle dwelling comply with parking requirements so as not to compound parking issues;
- Consider including a regulation that identifies that servicing and infrastructure capacity (including community infrastructure) is assumed to be sufficient, but that servicing capacity is available on a first come first served basis;
- Consider implementing a Provincial ARU registry program. The registry program would support homeowners in creating ARUs and provide a reliable source of information that is consistent across the province. The program would connect homeowners to resources, provide information about costs, benefits and strengthen existing and new partnerships and would also serve to connect tenants with safe, legal housing units;
- Consider implementing a monitoring program to evaluate the success of the removal of barriers and incenting ARUs and adjust policy and regulation tools are required.

Next Steps:

Please accept this letter as the City of Burlington's submission on ERO posting 019-6197. Given the short period for consultation the attached comments have not been approved by City Council. This letter and its attachment will be shared with the City's Committee's and Council at the earliest opportunity. Should Council determine any additional comments or refinements to the attached comments are required the Province will be advised at the earliest opportunity.

Sincerely,



Mark H. Simeoni, MCIP, RPP
Director of Community Planning
Community Planning Department
City of Burlington

289-983-0648
Mark.Simeoni@burlington.ca

December 9, 2022

Electronic submission only

ATT: Afra Kahn
Afra.khan@ontario.ca

RE: **Seeking input on Rent-to-Own Arrangements**

Ontario Regulatory Registry Posting N/A, Proposal Number 22-MMAH018

Background:

The Province of Ontario is exploring the role that the rent-to-own home financing model may have in housing attainability. The province is seeking input to inform the consideration of its role in rent-to-own financing models as a way to support housing attainability in the province.

Comments:

The Rent-to-own financing model could contribute to attainable home ownership in Ontario if it were to be funded and supported appropriately by the Provincial Government. However, on its own, it will not increase the supply of housing or increase housing affordability for renters, some of the most vulnerable members of Burlington's community.

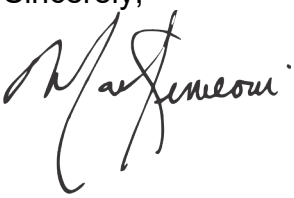
The City of Burlington's housing Strategy (2022) and the Housing Needs and Opportunities Report found that innovative housing solutions and alternatives to traditional ownership including rent-to-own, life-leases, co-operative housing and community land trusts could be used to help deliver increased housing options that meet the needs of residents at all stages of life and at all income levels. It will be important to consider exploring additional innovative housing solutions that together may improve affordability for low and middle income owners *and* renters.

Next Steps:

Please accept this letter and its attachment as the City of Burlington submission on ORR posting Proposal Number 22-MMAH018. Given the short period for consultation the attached comments have not been approved by City Council. This letter and its attachment will be shared with the City's Committee's and Council at the earliest opportunity. Should Council determine any additional comments or refinements to the attached comments are required the Province will be advised at the earliest opportunity.

Staff look forward to engaging with the Province to work towards to shared goal of more homes, faster.

Sincerely,



Mark H. Simeoni, MCIP, RPP
Director of Community Planning

Feedback on Rent-to-Own Arrangements

Commenting Deadline: December 9, 2022

ORR posting: MMAH018

Comments

1. Do you think that rent-to-own arrangements are a viable way to support housing attainability in Ontario?

It is possible that Rent-to-Own arrangements could contribute to attainable home ownership in Ontario if it were to be funded and supported appropriately by the Provincial Government. However, it likely will not on its own, increase the supply of housing or increase housing affordability for renters, some of the most vulnerable members of Burlington's community. Further, it is difficult to assess the impact of rent-to-own arrangements on housing attainability given that the term "Attainability" has yet to be fully defined by the *Development Charges Act, 1997* and forthcoming Bulletins.

The City of Burlington's housing Strategy (2022) and Housing Needs and Opportunities Report found that alternatives to traditional ownership including rent-to-own, life-leases, co-operative housing and community land trusts amongst other innovative housing solutions could be used to help deliver increased housing options to meet the needs of residents at all stages of life and at all income levels.

Considering other non-traditional housing models along with rent-to-own arrangements could support the construction of more housing units faster and supply more housing options that meet the needs of middle and low income residents in communities.

2. Are there any barriers with rent-to-own arrangements that you think may be discouraging providers from offering this type of housing?

Without proper funding and incentivization from upper levels of government, there are minimal incentives for housing providers to deliver rent-to-own housing arrangements. There is a lack of competitive advantage(s) in comparison with traditional ownership models and this could discourage providers.

Further, Property owners would be required to act as landlords over the duration of the rent-to-own agreement, requiring them devote resources to the maintenance and repair of the properties.

3. Are there any issues with existing rent-to-own arrangements that make it difficult or unfavorable for clients, such as renters, to engage in them?

Rent-to-Own agreements do not provide any additional affordability to those attempting to enter the ownership market and in fact, require a household income substantial enough to be able to make an extra monthly payment on top of rent to accrue a down payment for the eventual purchase of the property. Additionally, some agreements require an initial down payment, in many cases, this will be cost prohibitive to many renters and could affect housing affordability for households with middle and low incomes. Further, the extra monthly payment may also affect the client's credit rating and create difficulties during mortgage application process.

4. Are there measures the government could consider to facilitate these agreements, such as making them more viable for housing providers, increasing client protections, raising awareness and public education on this alternate form of home ownership, etc?

Below, are a number of measures to be considered:

- Consider exploring a wider variety of non-traditional homeownership models and the role that the Province could take in supporting these models in delivering more affordable and attainable homes across the province;
- Consider providing funding sources to optimize the potential for the delivery of buildings with non-traditional ownership formats to encourage providers and clients;
- Consider make use of underutilized government owned lands by providing them to local and community-based organizations and municipalities to support innovative forms of affordable housing;
- Considering housing awareness and advocacy programs along with expanding partnerships with providers, community-based organizations and non-profit sector to leverage their knowledge and understanding of alternative forms of housing ownership; and
- Consider making non-traditional homeownership models responsive to client needs based on household income.

289-983-0648
Mark.Simeoni@burlington.ca

December 4, 2022

Electronic Submission only

ATT: Ministry of Municipal Affairs and Housing
777 Bay Street, 17th Floor
Toronto, ON M7A 2J3
greenbeltconsultation@ontario.ca

RE: **Proposed Amendments to the Greenbelt Plan**
ERO Posting 019-6216

Background:

Environmental Registry posting 019-6216 proposes to remove approximately 7,400 acres of land from the Greenbelt area in order to facilitate the building of 50,000 new residential homes. In total fourteen (14) removals have been identified across ten (10) municipalities. It is anticipated that construction on these lands would begin no later than 2025 and that the proponents of these changes would fully fund the necessary infrastructure up front. In compensation for the proposed removals, approximately 9,400 acres of lands will be added to the Greenbelt area in the form of lands within the Paris-Galt Moraine, as well as Urban River Valleys (URVs) identified through ERO posting 019-4485: Growing the size of the Greenbelt.

The Protected Countryside lands identified in the Greenbelt Plan are intended to enhance the spatial extent of agriculturally and environmentally protected lands covered by the Niagara Escarpment Plan and the Oak Ridges Moraine Plan while at the same time improving linkages between these areas and the surrounding major lake systems and watersheds. The Protected Countryside is made up of an Agricultural System and a Natural System. The Greenbelt Plan provides a broad framework for protection of key natural and hydrological features recognizing the interrelated nature of both.

It is expected that, although removed from the Greenbelt Plan and the Protected Countryside designation therein, the features making up the natural heritage system will remain protected by various levels of Provincial and municipal environmental policies- including remaining within the Provincial Natural Heritage System. As agricultural lands are not afforded the same level of protection from development once removed from the Protected Countryside designation, the following comments are primarily focused on potential impacts to the Agricultural System.

Discussion:

Previous Consultation

In 2021, a copy of correspondence provided to Burlington City Council regarding ERO posting 019-3136: Growing the size of the Greenbelt was submitted to the Environmental Registry for information purposes. Although the City did not identify additional lands for consideration in 2021 and is not directly impacted by the more recently proposed amendments, Burlington's urban area is largely bounded by the Greenbelt to the north and west. The City therefore has a strong interest in fully understanding the potential for future impacts to Greenbelt lands within Burlington, as well as how the currently proposed changes may impact the integrity of the Greenbelt system as whole. The City recognizes the importance of the conservation of these lands and wishes to emphasize the need for consistency with the original premise of the Greenbelt Plan- identifying where urbanization should not occur in order to provide *permanent* protection to the agricultural land base and the ecological and hydrological features, areas and functions occurring on the landscape.

Assessment Framework

On aggregate, potentially growing Greenbelt protected area by ±2,000 acres would represent a positive step in sensitive land conservation. However, a significant portion of the lands identified for addition are already provided a high level of protection. For example, URVs are largely conservation authority regulated hazard lands which enjoy further protection in provincial and municipal policy where key natural heritage features or hydrologic features are present. As the Greenbelt URV designation can only be applied to publicly owned lands and primarily serves to recognize the importance of connections to southern Ontario, the net extent of additional protection being gained is unclear.

Despite the proposed addition being greater than the removals on aggregate, a concern remains that quality and/or value of the lands have not been fully considered. In reviewing the proposal, it is unclear whether the assessment framework has appropriately distinguished between natural heritage and agricultural lands to ensure sufficient compensation of each Greenbelt system component. This is of particular concern in relation to agricultural lands, which are a highly limited and irreplaceable resource not just in Ontario but across Canada. This proposal will result in a net loss of protected agricultural lands, which may be exacerbated in future through additional removals that are offset by the addition of lands not suitable for agricultural purposes.

Given the strong protections provided for natural heritage and aggregate resources, development on agricultural lands is often framed as a 'lesser' impact in cases where it avoids impacts to natural heritage or aggregate resources. This creates an invisible hierarchy where agricultural lands continue to be put forward as the preferred location for development, despite stated Provincial interests in protecting Agricultural System viability. In the absence of a cumulative lens, individual Agricultural Impact Assessments at the time of application are likely to fall short of mitigating broader system impacts over

the long-term. For example, the cumulative downstream impacts of encroaching urban development may permanently alter the ecological integrity of the watershed and negatively impact the ecosystem services relied upon by farmers.

Individual impact assessments also fail to consider the edge effects associated with urban expansion, particularly in relation to urban encroachment driving land speculation at the urban fringe and contributing to the inflation of land prices. In addition to weakening the message of certainty that the Greenbelt was intended to provide, increasing land costs present a significant additional barrier to new farm entrants. This comes at a time when the industry faces both a looming succession crisis and a sharp increase in climate-related vulnerabilities.

The 2021 Census of Agriculture shows a continued trend of significant decline in the amount of agricultural land available for production in Ontario. The vulnerabilities of the agri-food system exposed by the global COVID-19 pandemic and numerous supply chain disruptions, further exacerbated by the increasing challenges of a changing climate, have highlighted the critical importance of preserving local food production capacity. Any proposed removal of agricultural lands from the Greenbelt should therefore be supported by comprehensive technical analysis in the form of an Agricultural Impact Assessment **prior** to such lands being made available for urban development.

This analysis should be informed by Land Evaluation and Area Review data, a detailed review of alternatives/demonstration of need, and consideration of cumulative long-term impacts to the Agricultural System at large. These precedent setting decisions should also be examined within the context of the recently announced "Grow Ontario: a provincial agri-food strategy", which is premised on the concept that "*Ontario's agri-food sector is and always will be a cornerstone of our thriving economy*". In the absence of such analysis, it is not clear how ongoing urban encroachment will be managed over the long-term to ensure an appropriate balancing of Provincial interests and prevent the incremental erosion of the Agricultural System.

Next Steps:

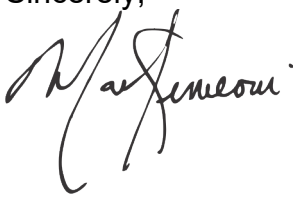
The City recommends the consideration of a more transparent assessment framework and decision-making process, as this would allow all municipalities to better plan for any future removals the Province may suggest from other Greenbelt lands in future. The City of Burlington would like to understand, in more detail, the assessment framework used to consider the selected lands for removal and addition. The City is seeking clarity on the extent to which the affected municipalities were involved in the assessment process, specifically what conditions needed to be met regarding servicing and what agencies were consulted in that process.

A detailed numerical breakdown of the land removals/additions is also requested, showing existing designations (as per the applicable official plan/Provincial plan) contrasted with the proposed new designations and illustrated through mapping. The City would also like to better understand how section 5.7 - Monitoring/Performance Measures

of the Greenbelt Plan will be implemented with respect to the changes proposed through ERO posting 019-6216, as well as future removals/additions that may occur.

Please accept this letter and its attachment as the City of Burlington submission on ERO posting 019-6216. Given the short period for consultation the attached comments have not been approved by City Council. This letter and its attachment will be shared with the City's Committee's and Council at the earliest opportunity. Should Council determine any additional comments or refinements to the attached comments are required the Province will be advised at the earliest opportunity.

Sincerely,



Mark H. Simeoni, MCIP, RPP
Director of Community Planning
Community Planning Department
City of Burlington

November 16, 2022

Mayor & Members of Council
City of Burlington

SUBJECT: Comments on Bill 23 – More Homes Built Faster Act, 2022

On October 25, 2022, the Ontario Ministry of Municipal Affairs introduced Bill 23 - the proposed More Homes Built Faster Act, 2022 (Bill 23). Bill 23 is part of Ontario's Housing Supply Action Plan, a long-term strategy to increase housing supply and provide more affordable housing options. While we are supportive of the goals of the Bill with respect to the building of more affordable houses, we are deeply concerned with proposed provisions that would significantly limit the tools available for municipalities to protect, conserve and allow for adaptive reuse of their cultural and built heritage. This bill, if approved, will weaken all municipalities' ability to identify and protect their valuable heritage resources, which, once lost, can never be replaced.

Moreover, while the overall thrust of the Bill appears to be aimed at transferring many of the costs of development from developers to rate-payers as a means of encouraging housing construction, there appears to be no actual mechanism that would ensure that the savings realized by developers will be passed on to consumers in the form of more affordable housing prices.

Background:

The *Heritage Act* is used by municipalities to recognize cultural and heritage resources and to protect and preserve them for current and future generations. Many volunteers generously donate their time and expertise to municipal heritage advisory committees or local historical societies in support of this mission. Two tools are used to do this (1) Designation and (2) Listing on the Municipal Register as a non-designated building. While designation provides better protection for a property or landscape, some owners are reluctant to embrace designation because it is listed on their property title and requires that a heritage permit be issued by the municipality for any maintenance or repair work to the historic elements of their property.

Listing on the Register allows the owner to make any changes or maintenance to their property without any permits or involvement of the municipality. Only if the owner wishes to demolish the property does listing on the Register come into play. Application for a demolition permit allows the municipality 60 days to conduct a heritage assessment to determine if the property has considerable heritage or cultural significance. If the study concludes that it does, the City could decide to designate the property to prevent demolition. If the study concludes that it does not, the demolition permit will be issued.

These are the only measures available, through the *Heritage Act*, to prevent the demolition of heritage assets. The *Heritage Act* was amended and weakened in 2021 under the auspices of Bill 108 – More Homes, More Choice. There is a movement afoot now to further amend and weaken the *Heritage Act*, among changes to other Acts, through Bill 23 – More Homes Built Faster.

Implications:

Some of the changes Bill 23 will make to the *Heritage Act* will:

- Remove the protection from demolition for properties listed on the Register by limiting the time it can be listed to 2 years before it must be designated (possibly against the Owner's wishes).
- State that any property removed from the Register, possibly through a decision by the Ontario Land Tribunal, cannot be put back on the Register for a period of 5 years. During this time, it therefore has no protection from demolition.
- Specify that if a complete Official Plan, Zoning Bylaw or Site Plan approval application is submitted, only properties already listed on the Municipal Register can be designated.
- Allow the Province, justified by any current or new initiatives, to override the protection afforded to a provincial heritage property.
- Amend Schedule 7, Subsection 19 (1) to expand the Ontario Land Tribunal's powers to dismiss a proceeding without a hearing, on the basis that the party who brought the proceeding has contributed to undue delay. Section 19 of the Act is also amended to give the Tribunal the power to dismiss a proceeding entirely, if the Tribunal is of the opinion that a party has failed to comply with a Tribunal order. Section 20 is amended to give the Tribunal the power to order an unsuccessful party to pay a successful party's costs.
- Increase rigor in the process of identifying and protecting Heritage Conservation Districts (HCD) and introduce a regulatory authority to prescribe processes for municipalities to amend or repeal existing HCD designation and HCD plan bylaws.

Recommendations:

- The Heritage Burlington Advisory Committee (HBAC) supports the comments within this letter dated November 16, 2022, regarding the proposed changes to the *Heritage Act* as identified in Bill 23 – More Homes Built Faster;
- And further, the HBAC respectfully requests staff to forward the letter to Council and seek Council to request the Province not to pass Bill 23 until such time as further evaluation, analysis, and consultation has occurred with municipalities and heritage based conservation associations/organizations for measures to protect the Provinces' cultural and built heritage while supporting more affordable housing.

Summary:

Surviving and evolving for over decades and even hundreds of years, the City's heritage properties and landscapes are visible reminders of our history and once demolished, are gone forever. We rescue, restore, preserve, and protect our heritage not only because it is our past, or because it is unique or beautiful. It is not a matter of buildings, stones, or about intangible traditions; our cultural heritage is our identity, it represents our values, our strength, continuity, and our pride.

Identification and protection of heritage by municipalities is facilitated by volunteer-based organizations and municipal heritage advisory committees as legislated by the *Heritage Act*. Unless there is pressure for development, many heritage buildings and properties are preserved and cared for by their owners with listing on the Register being a sufficient identification and protection tool. In most cases, there is no need to require all properties listed on the Register be designated as proposed by Bill 23.

The Heritage Burlington Advisory Committee advises that everything possible should be done to object to the passage of Bill 23. This bill will have a severely negative impact on the preservation of heritage and cultural resources, put an incredible strain on city staff resources, and create contentious and confrontational relationships between the City and heritage property owners.

Sincerely,

Michele Camacho
Chair, Heritage Burlington

Heritage
·BURLINGTON·